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BARRIERS TO ADOPTION

HEARINGS

BEFORE THE

COMMITTEE ON
LABOR AND HUMAN RESOURCES
UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

ON

EXAMINATION OF THE BARRIERS TO SPECIAL NEEDS ADOPTION, FOCUSING ON THE POLICIES OF PUBLIC AND PRIVATE CHILD WELFARE DEPARTMENTS

JUNE 25 AND JULY 10, 1985

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BARRIERS TO ADOPTION

TUESDAY, JUNE 25, 1985

U.S. SENATE,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC.

The committee met at 9:40 a.m., in room SD–430, Dirksen Senate Office Building, Senator Orrin G. Hatch (chairman) presiding.

Present: Senators Hatch, Thurmond, Simon, Metzenbaum, Kerry, and Dodd.

Also present: Senator Humphrey.

OPENING STATEMENT OF SENATOR HATCH

The CHAIRMAN. We are happy to welcome all of you here to the Senate Labor and Human Resources Committee hearing on barriers to special needs adoption.

I have called this hearing to look into barriers which prevent special needs adoptions. We are going to look at the policies and practices employed by public and private entities, which effectively keep nearly 50,000 children in America trapped in a twilight world of foster care. These policies and practices prevent children from finding loving, permanent adoptive homes, even though they are legally free for such adoption.

I learned recently from the National Adoption Exchange the story of one small child who is waiting to be adopted. His name is Robert. He is 12 years old, and is a friendly, happy and talkative youngster. But because of an attack of meningitis when he was 4 months old, Robert is moderately retarded. We know little about Robert's early months, but social workers suspect that he was neglected by his mother. When Robert entered foster care at the age of 2½, he could not walk or speak. He could not even stand up for any length of time. But with the loving care of foster parents, Robert made significant gains. Now he is doing well in a class for the trainable retarded, which he has attended since 1984. He loves outdoor activities—especially football and swimming—and is happy when he sings hymns to the Lord. But there is one thing that Robert still longs for—he calls it a "forever family," to use his terms.

On hearing Robert's story and countless other similar stories, I was reminded of a statement by Henry Ward Beecher. He said that:

> There are only two bequests we can give our families: one of them is roots, the other is wings. Families can help provide both the security of roots and the inspiration of wings.

Children like Robert need our help to get the security and inspiration that only a family can give.

There are many special needs children who should be adopted. Special needs children are children who are older, handicapped, minorities, or brothers and sisters. Unfortunately, many of these special needs children are never placed. Instead they live in foster care, institutions, and correctional facilities. There are many Americans who are anxious to open their homes to make these children a permanent part of their family. However, I have encountered and uncovered eight barriers created by our public and private policies which prevent these children from being adopted into families.

First, high caseloads, poor recordkeeping and low morale in child welfare departments.

Second, the various problems associated with minority adoption, including recruitment and referral policies.

Third, the need for more cooperation from both public and private agencies to aid the adoption of children across State lines.

Fourth, the lack of reliable data on the characteristics and numbers of children in foster care.

Fifth, a lack of post-legal-adoption services to support families who adopt a child with very special needs.

Sixth, the high costs of adopting children with special needs.

Seventh, the need for more recruitment of families, especially minority families, to adopt children with special needs.

And, eighth, cooperation between States to determine who will continue Medicaid financing for eligible adopted children.

Now, this hearing has a special urgency. For several years, we have been pleased with reports that the number of children in foster care was on the decline—from an estimated 502,000 in 1977 to 243,000 in 1982. Much of this progress was due to our Nation's goal of establishing permanency for our children with special needs. It now appears that the foster care population is edging up again—and the Department of Health and Human Services estimates that about 269,000 children live in foster care or institutions. About 50,000 of these children are special needs children who are waiting for homes. However, these statistics are only estimates. They are gathered completely voluntarily. This has caused many to question whether the figures are reliable. In fact, some knowledgeable organizations believe these figures are low, and place the number of special needs children in foster care and institutions as high as 500,000, and the numbers of those legally free for adoption as high as 100,000. Regardless of which set of statistics we rely on for guidance, each number represents a child in need of a permanent home.

While I will oppose any legislation or policy which is constitutionally suspect or which violates the equal protection provision of the 14th amendment of the U.S. Constitution, I pledge my commitment to reduce the barriers which prevent the permanent placement of special needs children. We must support private efforts to place these children.

At this point the statements of Senators Grassley, Dodd, Simon, Kerry, and Metzenbaum will be inserted in the record.

[The statements referred to follow:]

STATEMENT OF SENATOR CHARLES E. GRASSLEY

Senator GRASSLEY. I have no doubt there are a large number of dedicated and caring individuals working in foster care services throughout our Nation. Many of those who receive foster children into their homes do so out of the best of motives: to provide the much needed parenting for children who have no homes.

Somewhere along the line, bureaucratic stagnation set in and the results have been in too many cases a foster care system that is faulty. The results have been devastating. Inadequate screening of foster parents has placed children with untrained and sometimes uncaring adults. This screening problem is due in part to caseworker overload. Caseworker turnover is on average occurring every 9 months which results in among other things, children getting "lost" in the system. Foster children themselves are no stranger to turnover. Many are three to eight homes by the time they reach adulthood. For children, this turnover produces alienation and emotional burnout which translate into poor performance at school, distrust of adult institutions and, in all likelihood, in criminal activity.

Surely adoption is a better alternative to the revolving door syndrome of foster care. a loving and stable home enivronment with adults who desire to nurture children must be matched with children currently caught on the foster care treadmill.

In our discussion of removing the barriers to adoption, I believe we need to publicize the availability of these children. The adoption process itself should be speeded up. Private sector initiatives and assistance should be enhanced.

I am aware of a private sector attempt in Chicago by a black church that desired to match its members with foster children for adoption. Initially, 800 potential parents signed up. After the qualifications screening was complete, less than 10 qualified. In that same group of 800, many had or had had foster care children for care. This leaves us with a situation whereby children can be passed around for a 2-3 year period but those same parents cannot adopt. I hope this and other barriers will be addressed here today.

STATEMENT OF SENATOR CHRISTOPHER J. DODD

Senator DODD. Mr. Chairman, this morning we examine a most serious problem: namely, barriers to adoption.

The Adoption Opportunities Act was passed in 1980 to help place thousands upon thousands of children who have no permanent homes with adoptive families. Five years later, the same number of children eligible for adoption remain in foster care. That fact should truly alarm us.

The vast majority of those who wait for adoption are children with so-called "special needs." Some belong to minority ethnic groups. Others are members of sibling sets. Still others have emotional, mental, or physical handicaps.

During the last session of Congress, the Family and Human Services Subcommittee of this committee held hearings on obstacles to adoption. At that time, Clara Valiente-Barksdale from the New York Council on Adoptable Children testified that in 1982, 53 percent of foster children in New York City were discharged to their own responsibility. In other words, over half of these New York City foster children turned 18 years old without ever having lived in a permanent home.

Earlier this year, the Child Welfare League of America highlighted a study showing that over half of all the young adults found in New York City homeless shelters are graduates of the foster care system. We now have a system whereby foster care children in this country are quite literally graduating onto the streets.

Mr. Chairman, there are families who wish to adopt these children but they run into roadblocks. Such families often face insurmountable redtape or fail to receive necessary supports, financial or otherwise.

The financial obstacles to adoption are critical. As the Rossow family from Ellington, CT, has testified about so eloquently in previous hearings, the financial burdens of adopting special needs children can become overwhelming. At present, there is no guarantee that a special needs child in New Jersey can receive Medicaid services in Connecticut if adopted by a Connecticut couple. Last session, the administration was unwilling to address the issue of Medicaid portability. I am delighted there has been a change of heart and a recognition of the extent of the problem. Eligibility for adoption assistance allowances is also an important issue. I understand the Finance Committee held a hearing yesterday on financial obstacles and I look forward to reviewing their findings.

Other obstacles to adoption include failure to identify potential adoptive parents of all races, failure to establish case plans so eligible children can be freed for adoption, and failure to provide such postadoption services as counseling. I trust that the witnesses this morning will address all the roadblocks to the adoption of special needs children and I look forward to hearing their testimony.

Without a strong Federal commitment to adoption services, thousands of special needs children will continue to languish in a series of temporary placements. We must do all we can to prevent such a tragic scenario.

STATEMENT OF SENATOR PAUL SIMON

Senator SIMON. Mr. Chairman, I commend you for calling today's hearing to discuss barriers to adoption. The adoption process is often difficult and involves a great deal of time and expense. As an adoptive parent, I can appreciate the love the goes into the decision to choose to adopt a child.

As we consider the barriers, such as inadequate data to identify the children who are available for adoption, insufficient cooperation between States, and low morale in State and county welfare departments, we ought to consider each individual child's needs when placing him or her.

I must express my concern about the idea of banning transracial adoptions. Each child deserves individual treatment. What is best for one child may not be the best situation for another child. My brother, Art Simon, has adopted two black children whom he and my sister-in-law love dearly. To prohibit families like my brother's from adopting on the basis of race is discriminatory.

I am also concerned with the administration's plan to eliminate the $1,500 deduction for adoptive parents of special needs children. Although the administration has stated that they have an alternative plan, I have not heard of any proposal. Enough barriers exist without legislating any more.

For obvious reasons, adoption of foster children is a highly desired goal. We need accurate information as to the treatment of children in foster care and mechanisms of review to ensure that the child's best interests are being served.

Today, I am introducing a bill to assist the adopted children of disabled workers. Present Social Security law contains a provision whcih states that an adopted child is not entitled to benefits payable to a dependent of a disabled worker if the child was not adopted prior to 1 year before disability occurred. A natural child is automatically entitled to benefits regardless of the timing of his or her birth.

Barriers to adoption should be defined carefully and with each child's best interests in mind. We must ease the process of adoption to enable children and adoptive parents to get together to provide a caring and stable environment.

STATEMENT OF SENATOR JOHN KERRY

Senator KERRY. Mr. Chairman, I am pleased that you are holding hearings on this critically important issue of barriers to adoption. All of us are aware of the tremendous importance of a nurturing, caring atmosphere for our children. It is vitally important that public policies encourage the existence of the appropriate environment children need and deserve.

In this regard, four policy areas are particularly worthy of our attention. The first of these concerns the erosion of the social safety net. It is tragic to think that reductions in social programs could lead to unhealthy situations in the home which may force children to be separated from their families. Programs such as Social Services Block Grants, Medicaid, Child Nutrition, and Aid to Families with Dependent Children must be funded at levels sufficient to prevent such tragedies.

A second concern centers upon the adoption of children with special needs. We all admire those who offer a home to such children. But admiration is not enough. These families must have a reliable support system. We must insure that Medicaid assistance is available, regardless of the State in which they live, and we must make certain that postadoption services such as family counseling, respite care, and specialized day care are adequately funded.

A third concern regards the placement of foster children. We must encourage States to remain focusd on providing a stable environment for children by placing them into permanent homes in a timely fashion.

And finally, there is concern over the need to expand outreach programs. This committee has direct jurisdiction over the Adoption Opportunities Act. Through this act, this committee can expand minority recruitment programs and adoptive parent support groups so important to identifying other families interested in adoption.

I look forward to hearing the testimony today which may help us resolve the problems associated with these and other issues related to adoption.

Mr. Chairman, I am very interested in this important subject, and I look forward to the second set of hearings scheduled for July 10 and I wonder if you might be so gracious as to allow me to request a witness for that hearing.

OPENING STATEMENT OF SENATOR METZENBAUM

Senator **Metzenbaum**. Within recent years, the Federal Government has begun to address the problems of special needs children who are legally adoptable. Healthy white infants are much in demand; there are long waiting lists for such infants. But the children available and legally free for adoption in the United States today are the older children, minority children, those in sibling groups, or children who are mentally and physically handicapped. Many of these children must live in foster care homes until adulthood, never knowing the psychological and emotional security of a permanent home. At age 18, at the rate of 14,000 a year, they then become emancipated orphans, with little or no support system. Discharged to their own responsibility, they often end up on the streets or in abandoned buildings in a life unsafe for themselves or society. A 1983 report to Mayor Koch estimated 20,000 homeless persons in New York City were young people under age 21. For a nation that prides itself on human rights and safety nets, there appears to be a serious contradiction here.

Hopefully, however, this hearing indicates some increased recognition that other alternatives must be encouraged, that barriers to adoption must be eliminated, that long, inappropriate stays in foster care must end, that far more attention must be paid to adoption assistance.

A host of barriers still block permanent placement for special needs children whose greatest need is a caring family. This morning we will be reflecting on the diverse and complex barriers to adoption. The many witnesses who have taken time to appear here today will help us understand them better. I want to commend them for their deep commitment to reducing or eliminating those barriers which prevent the secure and permanent environment every child needs.

I suspect there is a laundry list of barriers—from unreliable data and children "lost in the system" to health care costs and adoption costs and bureaucratic inflexibility.

Our hope is that, by defining the barriers, we can continue with part 2—the questions which need to be before us:

What is best for the child?

How do we reach and recruit potential parents who can help the child grow and develop in a caring permanent family environment?

What special help will those parents need to assist the child in becoming an independent, happy and contributing member of society?

It will require the concern, the creativity, the commitment of all of us, but all of us will benefit if those questions can be answered, and the goal of a loving, permanent family environment for each child is achieved.

I look forward to the testimony of the witneses this morning who will be providing a foundation of better understanding for the achievement of that goal.

The CHAIRMAN. Now I have called these full committee hearings to bring to light these barriers. We will hear from those who are experts—families who have sought to adopt these children, and adults who were themselves foster-care children awaiting adoption. We will also hear from others, witnesses who work with and can attest to the problems with current adoption policies. On July 10, in the second hearing on adoption, we will continue exploring avenues to enable children, like those pictured here today, to be placed in "forever families."

Now I think we will have to change that July 10 date because I have got to manage a bill on the floor at that time. So we may have to reschedule that date, but we intend to hold that second day of hearings.

Now we will welcome everybody here today, especially those who are going to testify before us.

Our first panel today includes families who are foster parents, families who have adopted children, and adults who have spent some of their lifetime in foster care.

First we will hear a short statement from Mr. and Mrs. Guenther Lahr, adoptive parents; Ms. Mary Brown, prospective adoptive parent; Ms. Sandra Ililonga, former foster child. Am I pronouncing that right? Not too bad.

We will then turn to questions of the entire panel, including Mr. and Mrs. Avegno, parents who have adopted children. And following this, we will hear from Dr. William Pierce, president of the National Committee for Adoption, who will testify concerning the various barriers to the adoption of children with special needs.

Now, all written testimony will be included in the record as though fully given, and we appreciate your summarizations. But let us begin with you, Mr. and Mrs. Lahr.

STATEMENTS OF MR. AND MRS. GUENTER LAHR, DETROIT, MI, ADOPTIVE PARENTS; MR. AND MRS. ASHTON AVEGNO, NEW ORLEANS, LA, ADOPTIVE PARENTS; MS. MARY BROWN, MANTECA, CA, PROSPECTIVE ADOPTIVE PARENT; GLEN HESTER, BROOKLYN, NY, PRESIDENT OF THE NATIONAL ASSOCIATION OF FORMER FOSTER CHILDREN; MS. SANDRA ILILONGA, DETROIT, MI, FORMER FOSTER CHILD; AND WILLIAM PIERCE, PH.D., PRESIDENT, NATIONAL COMMITTEE FOR ADOPTION, WASHINGTON, DC

Mrs. LAHR. I am Karen Lahr, and I have two birth children——

The CHAIRMAN. Would you bring your mike a little bit closer.

Mrs. LAHR [continuing]. A daughter Renee age 20, and a son Adrian age 16.

We have been foster parents since April 1973 through a private agency, Lutheran Child and Family Service, 10811 Puritan, Detroit, MI 48238. In that time we have had 37 foster children; 27 have been black or biracial. Of the 37, 11 have been either physically, mentally or emotionally impaired.

At present we have in our home four foster children, all of which are biracial. We have a 5½-year-old boy that we have had in our home almost 5 years. He and his 7-year-old brother will, hopefully, be free for adoption shortly. We also have a 21-month-old girl with Down's syndrome. We have had her since she was 1 month old. This is the child we have had to fight to adopt. We have an 11-month boy with cerebral palsy that we have had with us since he came out of the hospital at 4 months old. He and his 3-year-old half-sister have been free for adoption since April 1985. There were no families available for them.

We have a baby girl born May 1985 that we have had since May 1985 and she too will be available for adoption soon. She is healthy as is the 5½-year-old boy.

When we were originally licensed, we were told we would only be licensed if we were willing to take black or biracial children, as that was where the need for foster care was. We agreed to take minority children, and the agency licensed us.

About 3 or 4 years ago, placements began to slow down because the Michigan Department of Social Services had told foster care agencies that they, DSS, did not want black or biracial children placed in white homes

In late September 1983, my agency contacted us about taking a biracial Down's syndrome baby girl with a severe heart defect. She was tube fed because she could not coordinate her suck and swallow. She was thought to be severely retarded. She was presented to us because there were no black foster families available that would take her.

The CHAIRMAN. You are doing good, Mrs. Lahr. Just relax.

Mrs. LAHR. Deanna was born September 10, 1983, and we took her home with us on October 10, 1983.

By December 1983, I was able to wean Deanna completely from tube feeding to bottle feeding. It would take me 3 hours to feed her 3 ounces of formula from a bottle.

In December 1983, we enrolled Deanna in an early intervention school program to help her develop and to remain as normal as possible.

In February 1984, Deanna got pneumonia and was hospitalized for 7 days. My husband and I visited daily.

In March 1984, at Deanna's cardiology checkup, we were told she was to have a heart catherization done. The heart catherization was done in April 1984. The catherization revealed heart defect was serious but not as serious as first thought. She was scheduled to have heart surgery.

The 5-hour surgery was done July 6, 1984. Deanna was in the hospital for 8 days, and 5 of those days were spent in intensive care.

My husband and I were there every day to visit, and we were in the hospital for 15 hours the day of surgery.

After Deanna's successful heart surgery, the Wayne County Department of Social Services adoption worker told us that a black adoptive family would be sought for Deanna, using a special column in the Detroit News. At that time I told the worker of our desire to adopt Deanna, and I was told that we could not be considered because Deanna was biracial and we were white, and that every effort had to be made to find a black or a biracial couple. I was also told that if no black or biracial couple were found, and if the Wayne County Department of Social Services decided to place Deanna with a white couple, we probably would be considered first because we were her foster parents.

Each time I talked with the adoption worker, I reminded her of our desire to adopt Deanna but, again and again, I was told because we were white and there had been a response from the black community to the newspaper article, we could not be considered if any of the couples were approved.

In November 1984, the adoption worker notified me that a black couple had been approved, and visits would start with Deanna to prepare her for her move to her new home. At that point, I knew that the worker would never consider us as adoptive parents for Deanna, and that we simply could not let Deanna go because we loved her too much. I immediately contacted the American Civil Liberties Union because we thought we were being discriminated against because of our color.

When I was given a placement date of November 21, 1984, I pleaded with the ACLU to help me find someone to prevent this move. They did find me an attorney, H. Mark Kandel. On November 16, 1984, my attorney obtained a temporary restraining order keeping Deanna with us until our case was looked into at a court hearing December 3, 1984, in Macomb County Circuit Court, Judge Raymond Cashen.

At the hearing, Judge Cashen requested that the attorneys try to come up with some agreement as to how the case would be handled and report back to court on December 10, 1984. The temporary restraining order was to remain in effect until that time.

On December 10, 1984, we returned to court with a mutually agreed upon plan.

One, we would be allowed to file for adoption of Deanna.

Two, an independent agency would do our home study within 8 weeks.

Three, that Deanna would remain with us until a final determination was made and that determination would be made by Nancy Duncan of the Michigan Children's Institute.

Our home study was completed on February 22, 1985. On March 1, 1985, Nancy Duncan decided in our favor as the adoptive family for Deanna, and a consent to adopt was sent to the court.

We are now waiting to have our adoption petition acted upon by the Wayne County Juvenile Court. The system, quote, unquote, is not always fair, and child placements are not always in the best interests of the child.

I would like to enter into the record a letter from my foster care agency as a reference letter.

The **Chairman**. Without objection, we will put it in the record.

Mrs. **Lahr**. I also have a letter from the National Coalition to End Racism in America's Child Care System, stating the problems that we are finding throughout the United States in transracially placing children waiting to be placed.

The **Chairman**. We will put that in the record.

[The prepared statement of Mrs. Lahr, the letters referred to, and responses of Mr. and Mrs. Lahr to questions submitted by Senator Hatch follow:]

STATEMENT OF KAREN LAHR
TO
COMMITTEE ON LABOR AND HUMAN RESOURCES
TUESDAY, JUNE 25, 1985

BARRIERS TO ADOPTION

My name is Karen Lahr. My husband Guenter and I have been asked to testify on "Barriers to Adoption" by the Senate Committee on Labor and Human Resources. This is our statement.

My husband and I have two birth children, a daughter Renee age 20 and a son Adrian age 16.

We have been foster parents since April, 1973, through a private agency, Lutheran Child and Family Service, 10811 Puritan, Detroit, MI, 48238. In that time we have had 37 foster children, 27 have been black or bi-racial. Of the 37, 11 have been either physically, mentally, or emotionally impaired.

When we were originally licensed, we were told we would only be licensed if we were willing to take black or bi-racial children, as that was where the need for foster care was. We agreed to take minority children and the agency licensed us.

About 3 or 4 years ago, placements began to slow down because the Michigan Department of Social Services had told foster care agencies that they, DSS, did not want black or bi-racial children placed in white homes.

We were usually at our capacity of four, because we are designated a "special needs" home, meaning we would take handicapped children. There is a great shortage of black foster homes, but particularly black homes that are "special needs."

We have had children in our home for as short a time as 3 days to as long a time as almost 5 years.

In late September, 1983, my agency contacted us about taking a bi-racial Down Syndrome baby girl with a severe heart defect. She was tube fed because she could not coordinate her suck and swallow. She was thought to be severely retarded. She was presented to us because there were no black foster families available that would take her.

After we, our family, discussed it, we agreed to take her. My husband and I went daily to the hospital for one week to learn to tube feed her.

Deanna was born September 19, 1983, and we took her home with us on October 10, 1983.

I would try to bottle feed her as much as I could get her to take from a bottle, then tube feed her the rest. She was fed every 4 hours around the clock because heart babies do not gain weight easily. She was fed like this for 6 weeks after we brought her home, then we eliminated her 2 a.m. feeding and she still gained weight, so we knew that she no longer needed that 2 a.m. feeding.

In December 1983, I finally had Deanna weaned completely from tube feeding. It would take me 3 hours to feed her 3 ounces of formula from a bottle.

In November 1983, I took Deanna to a cardiologist at Children's Hospital of Michigan, Detroit. After examining her, the doctor started her on Lanoxin, a heart medication. He told me if I could get Deanna to gain weight and grow, that sometime around 8 months old she would have to have a heart catherization. If she went into congestive heart failure before that then the catherization would have to be done sooner.

In December 1983, we enrolled Deanna in an early intervention school program. She goes to school 2 days a week. She sees a preschool teacher to help cognitive development and she also sees a speech pathologist to help with her speech.

In December 1983, my agency took a parental release of Deanna, making her a permanent ward of the state. At that time my agency had a white couple available to adopt Deanna, but WCDSS* would not approve them. WCDSS wanted a black couple.

About January 1984, my agency re-released Deanna to Department of Social Services for funding purposes.

In February 1984, Deanna got pneumonia and was hospitalized for 7 days. My husband and I visited every day, sometimes I went twice a day.

At Deanna's cardiology check-up in March 1984, we were told that it was time for a heart catherization to be done. Deanna had this done in April 1984.

During the catherization the heart defect was found to be serious, but not as serious as first suspected.

Deanna was also found to be suffering from pulmonary hypertension (high blood pressure in the lungs), and if her heart were left uncorrected too much longer, her lung damage would be too severe to allow heart surgery.

The 5 hour surgery was done July 6, 1984. Deanna was in the hospital for 8 days, five of those days were spent in intensive care.

My husband and I were there every day to visit and we were in the hospital for 15 hours the day of the surgery.

The surgery was deemed an 100% correction. Deanna went home from the hospital with three medications. In November 1984, all medications were stopped. After her successful heart surgery, the WCDSS adoption worker told us a black couple would be sought for Deanna, using a special column in the Detroit News. At that time I told the worker of our desire to adopt Deanna and I was told we could not be considered because Deanna was bi-racial and we were white and that every effort had to be made to find a black or bi-racial couple. I was also told that IF no black or bi-racial couple were found and IF WCDSS decided to place Deanna with a white couple, we probably would be considered first because we were her foster parents.

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*Wayne County of Department of Social Services

Each time I talked with the adoption worker, I reminded her of our desire to adopt Deanna, but again and again we were told because we were white and there had been a response from the black community to the newspaper article we could not be considered if any of the couples were approved.

In November 1984, the adoption worker notified me that a couple had been found and visits would start with Deanna to prepare her for the move to her new home.

At that point I knew that the worker would never consider us as adoptive parents for Deanna and that we could not part with her. We loved her too much. I immediately contacted American Civil Liberties Union because we felt we were being discriminated against because of our color.

Because of ACLU's key people being out of town at my initial contact, they did not move immediately on my request for help, so it was necessary for us to let visits with the black couple take place.

I did not tell the adoption worker nor the adoptive couple of my intention to take legal action for fear Deanna would be removed from our home.

When I was given a placement date of November 21, 1984, I pleaded with ACLU to help me find someone to prevent this move. They did find me an attorney, H. Mark Kandel. On November 16, 1984, my attorney obtained a temporary restraining order, keeping Deanna with us until our case was looked into. A court date was set for December 3, 1984, in Macomb County Circuit Court, Judge Raymond Cashen.

At the hearing, Judge Cashen requested that my attorney and the Assistant Attorney General of Michigan, Detroit Office, Constance Hobson, try to come up with some agreement as to how the case would be handled and report back to him on December 10, 1984. The temporary restraining order was also continued until that time.

On December 10, 1984, we returned to court with a mutually agreed upon plan.

1) We would be allowed to file for adoption of Deanna.
2) An independent agency would do our home study within 8 weeks.
3) That Deanna would remain with us until a final determination was made and that determination would be made by Nancy Duncan of Michigan Children's Institute, a department of Michigan DSS.

Our home study was completed on February 22, 1985. On March 1, 1985, Nancy Duncan decided in our favor as the adoptive family for Deanna. There are certain requirements that go along with this decision:

1) We have one year supervisory period, common in normal adoptions, but not usually done in foster care adoptions.
2) We have to take a sexual development course to help us deal with Deanna's eventual sexual development and sexuality.
3) We are to join an adoptive support group that has adopted black children.
4) We are to learn more about and participate in the black culture.
5) We are to take classes in special identity needs of the black child.

All of these things must be done during our year of supervision. These requirements are not a usual thing for adoptive parents of black children, especially one that is mentally impaired.

We are now waiting to have our adoption petition acted upon by Wayne County Juvenile Court.

The "stem" is not always fair and child placements are not always in the best interests of the child.

Respectfully submitted,

Guenter and Karen Lahr

LCFS
LUTHERAN CHILD & FAMILY SERVICE
OF MICHIGAN
TEL. (313) 341-1121
10811 PURITAN AVENUE, DETROIT, MICHIGAN 48238

February 5, 1985

Senate Committee on Labor & Human Resources
Senate Hart Building, Suite 632
Washington, D.C. 20510

Attention: David Rawlings

Re: Lahr, Guenter & Karen
15829 Flanagan
Roseville, MI 48066

Dear Mr. Rawlings:

Mr. & Mrs. Lahr, who have been foster parents for our agency since 1973, are interested in adopting Deanna Taylor, a 17 month old biracial Down's Syndrome infant.

The Lahrs have two natural children, Renee 20, and Adrian 16, both living at home. Renee has completed 2 years of college, has worked with mentally and physically impaired children, and is now employed in a group nursing home for elderly people. Adrian is in 11th grade, with good grades, interested in sports, and is excellent in handling and caring for children.

The Lahrs, during the past 11 years have fostered a total of 33 children, white, black, and biracial, ranging in age from newborn to aged 12. Many, if not most, have has emotional, mental or physical impairment, including cerebral palsey, severe cardiac problems and learning disabilities. Mrs. Lahr has initiated and worked very well with Intermediate School District, following through with various types of therapy, and intellectual stimulation. Those children with cerebral palsey, within 2-3 years were actually ahead of their "normal" counterparts.

The entire family takes a real interest in the children placed. In addition, Mr. Lahr is a hard worker and good provider, employed at Fraur Automation. Mrs. Lahr is a full-time homemaker.

If additional information is needed, please feel free to contact us.

Sincerely yours,

Suzanne Henderson
Suzanne Henderson, ACSW
Social Worker

Jean M. Creech
Jean M. Creech, ACSW
Supervisor

jb

AFFILIATED WITH THE LUTHERAN CHURCH - MISSOURI SYNOD. LICENSED BY THE MICHIGAN DEPARTMENT OF SOCIAL SERVICES.

NATIONAL COALITION TO END RACISM IN AMERICA'S CHILD CARE SYSTEM INC.
22075 Koths, Taylor, Michigan 48180
(313) 295-0257

June 14, 1985

Senate Committee on Labor
and Human Resources
Senate Hart - Suite 632
Washington, D.C. 20510

Dear Senator Hatch,

The National Coalition to End Racism in America's Child Care System Inc. is officially only a year old, but the problem of segregation has been with us a long, long, time. At the end of the Civil War, says Historian Rackham Holt, "There children of the scarred-back and branded-breast suddenly had no food, no clothes, no homes. They had never been taught to provide such things for the morrow." Children held captive in America's child care system are still in the same predicament.

Our Indian Child Welfare Act, designed to help Indian children retain their heritage, is instead keeping them captive in our child care system. Since not enough Indian foster homes or adoptive homes can be found for them, they are denied permanent families. At best, they are given non-Indian guardians so they can at least remain in the stable foster home they've been raised in. The worker can quit attempting to recruit an Indian home, the child is removed from the foster care rolls, and the state saves money. Logically this appears very good. BUT - How about emotionally? This leaves Johnny Jones being raised to adulthood as the kid who lives with the Smith family. He never really belongs! We deny him permanency!

The current 'segregation of the family' attitude, regarding children of Black, Hispanic, Asian, Arabic, Muslim, Polish, and other cultures, which is supposedly designed for their own good, is actually keeping children of all descriptions captive in our system. Our files are full of letters from adoptive parents denied American children. They then turn to foreign adoption of the very same type of child denied them. The families are successful and our American children remain in the system - PARENTLESS!! Our institutions and foster homes hold children who are free for adoption but can't be color-matched to an available family. The idea that this holding is better than being loved by a family in a trans-racial placement is "insanity," according to psychologist Dr. Sonya Friedman. What happens to these institutionalized children?

Where do they find racial pride and who do they share it with? Concern for children in trans-racial placements is always voiced in regard to self esteem and identity. We too, are concerned that all children develop healthy self concepts. Studies by Ruth G. Mc Roy (Self-Esteem and Racial Identity in Trans-Racial and Inracial Adoptees), Dr. Marvin Arnold, U.S. Army (The Effects of Racial Identity on Self Concept in Interracial Children), Dong Soo Kim (How they Fared in American Homes-A Follow up Study of Adopted Korean Children in the U.S.), and others, reveal that positive self esteem can be generated just as effectively among trans-racially placed children as in matched placements.

This 'segregation of the family' attitude is causing traumatic situations for children in foster care too. Healthy infants remain in impersonal hospitals for weeks and months because the available foster homes don't match. Children placed trans-racially become part of the family for sixteen months or twenty months and then must be uprooted because a "matched" family becomes available. Foster families who have raised a child for months and/or years are not allowed to adopt the very same child. Foster home abuse cases are becoming more frequent as sub-standard homes are being licensed because they "match" the children needing care. Children are suffering untold emotional damages that will follow them to adulthood; children are PHYSICALLY DYING, AND THE SYSTEM IS RESPONSIBLE!

Our child care system with its current emphasis on segregation is guilty of violating Federal Civil Rights laws. Children's rights to equal and expeditious service are being disregarded. Prospective parents are discriminated against on the basis of race, as are foster parents who are trained to serve all children. For the sake of America's children, something has got to be done!

We receive letters each day from people who are "delighted and relieved" that our organization exists. People of all races and cultures throughout this country volunteer their help and refer to the coalition as a "desperately needed organization." Our coins tell us, "IN GOD WE TRUST;" this same God tells us to love our neighbor as ourselves. But our child care system does not allow us to do this unless we match races. These children in need of families may not know or trust God, but they are forced to trust us - they depend on us! The

NATIONAL COALITION TO END RACISM IN AMERICA'S CHILD CARE SYSTEM INC.
22075 Koths, Taylor, Michigan 48180
(313) 295-0257

National Coalition to End Racism in America's Child Care System Inc. will continue working to help our kids. We hope that you and your committee will also recognize the plight of our helpless children and do everything you can to see that their already wounded lives, are allowed to heal with the love a family can bring. These are not somebody else's kids, they're yours and mine. WE DARE NOT LET THEM DOWN!

Sincerely,
Carol Coccia
Carol Coccia, Pres.

ANSWERS TO QUESTIONS FOR KAREN AND GUENTER LAHR

1. Does there continue to be a shortage of black foster and adoptive homes in Detroit for black children with special needs?

There is still a shortage of black foster and adoptive homes for black children both healthy and with special needs, though Wayne County DEpartment of Social Services continues to deny it. We have a 5 1/2 year old bi-racial boy we have had in our home for 5 years. In June of 1985, he and his 7 year old brother, both healthy, were released for adoption. There were no homes available for them.

We also have a 1 year old bi-racial boy with cerebal palsy. We have had him in our home for 8 months. He and his healthy 3 year old half-sister were released for adoption in April 1985 and there were no families available for them. They have since been run in the newspaper and a family is being recruited.

2. Are you aware of any efforts made by the Michigan Department of Children and Youth Services to recruit a black family for Deanna prior to your expressing interest in adopting her?

After Deanna was released for adoption in December 1983, my agency, Lutheran Child and Family Service looked through their list of families waiting to adopt special needs children, the only family they had that would take a child with Deanna's problems, was a white family. Wayne County DSS turned that family down because DSS wanted a black family for her. Deanna was then turned over to Michigan Childrens Institute for funding purposes and to Wanyne County DSS for recruitment of an adoptive black family.

In January 1984, Deanna's picture was shown at an "adoptibn party" and her physical and mental problems were discussed with the prospective adoptive parents present at the "party".

There was no response from this presentation as to adoptive parents interested in Deanna.

As far as we know there were no other efforts made to recruit a black foster family or a black adoptive family for Deanna until after we expressed a desire to adopt her.

3. In your written testimony you indicate that " the system is not always fair and child placements are not always in the best interests of the child." Would elaborate on what you mean by the interests of the child and its applicabliity im your attempt to adopt Deanna?

3. In my years of providing foster care, I have seen children placed in homes that did not fully understand the child's physical and mental problems nor the limitations these problems would place on the child. Nor did the adoptive families understand the importance of continuing therapies that I had spent hours taking the child to just to get them functioning enough to make them considered adoptable. Is this fair to the child or the adoptive parent? Is this in the best interest of the child or th e adoptive parent for that matter. Or is this just a way to get a child off the foster care rolls?

We also had a black boy that we got at 2 months old, right out of the hospital, and had him until he was 3 1/2 years old. He had mild cerebal palsy due to his mother's drug abuse. He was run in the newspaper and there were no acceptable responses to the article. Three months later the agency found a black couple that were willing to adopt him. Neither was employed, they were receiving unemployment compensation, they lived in a neighborhood that had a crime rate that was unbelieveable. This family studied and approved and the child was placed with them. Was this in the best interest of the child or just a way of placing a child like color home.

IN A

In Deanna's case her best interest was judged by whether there was a color match between her and the adoptive family.as opposed to the bonding she felt for us and the number of hours we spent getting her to where she was both physically and mentally.

It did not matter that she would be taken away from the only family she had ever known, as long as she was in a family that she color matched. Is this fair? Is this in the best interest of a child who is mentally retarded and will in all probability never know color, but who does know love and security.

CRITERIA

4. What other cirberia besided race were considered by the Michigan Departrent of Children and Youth Services in determing whether Deanna should be placed in your permanemt custody?

Initially, the only criteria used to decide if we we should be considered an adoptive family for Deanna was race. After a home study was court ordred, other things were then used to determine our getting permanent legal custody. Among those things were: where lived, our income, our ability to parent Deanna, how a strong a family unit we all were, and our ability to seek the services she needed. One of the big things seemed to be whether or not we would be willing to help her find her black identity and her black culture.

The deciding factors in our favor, according to a letter from Michigan Childrens Institute, were that Deanna thought of us as her parents, her age, the length of time she had been with us and the fact that we had demonstrated our ability to meet Deanna's special needs.

5. What was the basis of your legal complaint against th Michigan D.partment of Child ren and Youth Services?

Our legal complaint against Wayne County DSS was that we had been denied the right to apply for adoption of Deanna solely based on race. We were never given an application, we were never interviewed about our desire to adopt, we were just told flat out we could not adopt her because she was black and we were white.

6. Are you aware of other foster parents who have likewise been denied the right to petition for adoption because of race?

I am aware of other families that have been denied the right to petition for adoption because of race, but none are so blatant as our case. Usually after Court hearings or shear perservence on the part of the families involved they have been allowed to file.

I also know of families that are given applications but the home study is made so difficult and stressful that the families then change their minds and back down.

Our home study was such a home study. We were upset after each of the four/ two hour visits, but we loved Deanna so much and we were so determined and dedicated to what we knew was right , we would not be intimidated by those social workers.

The **Chairman**. We appreciate your testimony and it has been very helpful to us this morning. I want to thank you, both you and Mr. Lahr, for being with us here today.

Our next witness will be Mary Brown of Monteca, CA.

Monteca?

Ms. **Brown**. Monteca, the land of Lord.

The **Chairman**. Ms. Brown, I understand you have a written statement for the record. And rather than have you summarize a lengthy statement, we will put that statement in the record and maybe I could just ask you some questions. Is that OK?

Ms. **Brown**. Yes.

The **Chairman**. These are questions that I have drawn from your statement that I think might be helpful to us. Then, of course, my colleagues, if they have any questions as well.

Ms. Brown, I am told you, like the Lahrs, have encountered resistance from local government social workers in attempting to adopt a biracial child. Is that correct?

Ms. **Brown**. Yes, sir, it is.

The **Chairman**. As I understand it, your case is pending in court?

Ms. **Brown**. Yes, sir, it has been pending for 2 years.

The **Chairman**. And your child has been moved to another preadoptive home?

Ms. **Brown**. Yes, sir.

The **Chairman**. Now, what else has the county done to you as a foster mother?

Ms. **Brown**. I have been held up in ridicule. They made statements about me that I was prejudiced. I believe this picture right here can speak for itself regarding about me being prejudiced.

The **Chairman**. How could they say that about you?

Ms. **Brown**. Apparently social workers are trained to read expressions on faces [laughter] because that is what was in one of their statements, that I made an expression on my face, that I had made a statement regarding a carload of people, and the expression on my face indicated that I was prejudiced.

The **Chairman**. How long have you been a licensed foster parent?

Ms. **Brown**. Eight years.

The **Chairman**. For 8 years.

How long have you been licensed as a day care parent?

Ms. **Brown**. Fifteen years.

The **Chairman**. So you have had 8 years as a foster parent and 15 years as a licensed day care parent?

Ms. **Brown**. Yes, sir.

The **Chairman**. Would you briefly describe the essentials of your case for us, if you could?

Ms. **Brown**. My little girl was placed with me when she was 4 months old.

The **Chairman**. What is her name?

Ms. **Brown**. We call her Jenny for protection. She was placed with me at 4 months of age. At that time, it was supposedly a temporary situation, and as foster parents we all realize these children come and go frequently. So we did not realize that the 3 months would turn into 3½ years. During that time, after 18 months, the child became free for adoption. I was asked by the Department of Social Services if I would care to adopt the child, and they would put me through the preadoption proceeding.

I went through all of their preadoptive proceedings, and at one of the hearings I went to, that they talked to you, I was told the child belonged "with her own kind." I asked what was "her own kind." They told me that they would try to find a white/black family or a black family for her.

At that point, I started fighting. I obtained a lawyer and we fought. I was not entitled as a foster parent to a hearing in court. Because I was a foster parent, they told me I had given up my constitutional right to a fair hearing. So I pursued this issue and I went to the Federal court. In the Federal court, a year and a half later, Judge Ramirez, in the Federal court, gave the decision that they had denied me my constitutional right to due process of law and granted me a hearing.

Two weeks ago, the hearing started. My little girl was removed 2 years ago from my home.

The Chairman. This is Jenny?

Ms. Brown. Jenny.

The Chairman. Jenny is a biracial child, one black parent and one white parent, is that correct?

Ms. Brown. Yes, sir.

The Chairman. Keep going.

Ms. Brown. She was removed from my home 2 years ago. She has been in several foster homes. She is now in a preadoptive foster home of black parents. We just started our hearings. We still really are not going anyplace, but I am not at liberty to talk about what is happening in juvenile court because that is confidential. But, at this point, it does not look as though Jenny will come home.

This child was with me for 3½ years. She knew of no other mother, no other mother. That child was taken out of my house with two police cars and two social workers that told me if I behaved myself, when she got a little older, I might be able to see her again.

This has been devastating to my family. We spent $130,000 in attorney fees which we really do not have, but this child means so very much to us. The county, in the same turn, has spent many hundreds of thousands of dollars fighting me on this issue, but I will not give up. This child is part of my family.

The Chairman. Well, let me ask you just a few other questions. As I understand it, Jenny was born on October 29, 1979, to one black, one white natural parent. She was placed in your home on March 7, 1980. Eighteen months later, she was freed for adoption, and the San Joaquin Human Services Agency asked you sometime in July 1981 to apply to adopt her.

Are all th~~ose facts~~ right?

Ms. Brown. That is correct.

The Chairman. And you wanted to accept that invitation?

Ms. Brown. Yes, sir, I certainly did.

The Chairman. You actually filled out the application forms, and attended preadoption classes that were prescribed by the county?

Ms. BROWN. That is correct.

The CHAIRMAN. In June 1981, about 1 year after you filed your application, as I understand it, the county told you suddenly that your application had been denied?

Ms. BROWN. Yes.

The CHAIRMAN. Is that right?

Ms. BROWN. Because I was prejudiced.

The CHAIRMAN. And they told you that they had decided to place the child with her "own kind"?

Ms. BROWN. Yes, sir.

The CHAIRMAN. So they placed her in a foster home; is that right?

Ms. BROWN. Yes, that is right.

The CHAIRMAN. And Jenny was moved into at least three other foster homes, as I understand it, since she was taken away from you on July 6, 1983. Is that right?

Ms. BROWN. We have proof of two foster homes. The third one we still cannot prove it, but there is an indication there was a third.

The CHAIRMAN. Although you loved Jenny and you had raised her and she had been in your home, they took her away from you and put her in a foster home where you were not sure they would love her like you do?

Ms. BROWN. Yes.

The moment they told me they would like to study me as a preadoptive parent, we, as foster parents, always know that children when they are placed with us—we have a certain barrier that you just cannot let go all the way with your feelings. The moment they told me that there was a chance that I could adopt this child, that barrier was lifted, and the bonding had taken place.

The CHAIRMAN. I see.

Now, is she still in foster care today, Jenny?

Ms. BROWN. She is in a preadoptive home.

The CHAIRMAN. She is in a permanent adoptive home, what you call preadoptive home?

Ms. BROWN. We are still fighting the case so she cannot be adopted out.

The CHAIRMAN. Did the State ever give you any reasons other than race for not allowing you to adopt Jenny?

Ms. BROWN. Yes. They said I was bigoted, prejudiced, and it was detrimental to leave this child in my home.

The CHAIRMAN. As I understand it, they attributed a racial remark to you that you say you did not make?

Ms. BROWN. Yes, sir.

The CHAIRMAN. OK.

But they had allowed Jenny to stay with you for 3½ years?

Ms. BROWN. Yes, sir; that is correct.

The CHAIRMAN. That seems somewhat inconsistent to me.

Ms. BROWN. This is why I am fighting them. If it was so detrimental, why did they license me as a foster parent?

During the middle of all of this fighting in court, Federal court, I was given a certificate of recognition for outstanding work as a foster parent. My license has been renewed continually. I just had my license renewed for 4 years.

The CHAIRMAN. So the county has renewed your license and found you fit to be a foster parent?

Ms. BROWN. I asked them why they were renewing my license if it was detrimental for a child to be in my home. They said they did not have any reasons legally to take my license away from me.

The CHAIRMAN. So although the county asked you to adopt Jenny, they then take her away from you and you have to go into a lawsuit that cost you over $100,000, actually around $130,000 in legal fees?

Ms. BROWN. Yes, sir.

The CHAIRMAN. And plus it has cost them that much, if not more?

Ms. BROWN. Yes, sir.

The CHAIRMAN. I see.

And Jenny, all during this time, for the last 2 years has just been shunted from pillar to post?

Ms. BROWN. Yes, sir. Jenny does not know what has happened.

The CHAIRMAN. How long has it been since you have seen Jenny?

Ms. BROWN. They will not allow me to see her.

The CHAIRMAN. So how long has it been?

Ms. BROWN. Two years.

The CHAIRMAN. Two solid years.

I hate to say it but I consider that almost criminal.

Ms. BROWN. It is a form of legal child abuse is what it is.

The CHAIRMAN. I hope these hearings will do something to help. Senator Simon.

Senator SIMON. I regret I have to go to another meeting, but I have more than a casual interest in these hearings. One of our children is adopted, and it so happens that a member of my immediate family has adopted two children who happen to be black.

Now, I recognize in theory if blond children are adopted by blond parents, I guess that is theoretically the best. And if red-haired children are adopted by red-haired parents, that is the best. And if black children are adopted by black parents, that too is the best situation.

But in the real world, that is not always going to happen, and what children need is love.

And, Mary Brown, I have never met you, but I sense that what you have to offer this little girl is love and care. And, you know, if in fact that child is being denied your home with love and care because of race, something is wrong with the officials in that area.

Ms. BROWN. You do not spell love c-o-l-o-r.

Senator SIMON. Well, without knowing all the background and knowing just what you have said, I hope we can learn elsewhere from your testimony, and I wish you the best.

And I am sorry, Mr. Chairman, I cannot stay, but I am very much interested in this and wish you the best.

Ms. BROWN. Thank you very much.

The CHAIRMAN. Thank you, Senator Simon.

I want to mention to you, Ms. Brown, that this hearing concerns all barriers to adoption, not just race. But you present a very important story to us.

[The prepared statement of Ms. Brown follows:]

STATEMENT OF MARY BROWN

On Constitution Day, 1937, F. D. Roosevelt said:

We know that it takes time to adjust Government to the needs of society. But... reforms too long delayed or denied have jeopardized peace, undermined democracy, and swept away civil rights and religious liberties. We will no longer be allowed to sacrifice each generation in turn while the law catches up with life...

Thirteen years later at the Mid Century White House Conference on Children and Youth, one of the conclusions drawn was as follows: ...The full development of the whole child is the basic philosophy and ultimate aim of all recommendations...

Still later yet; in 1970, during the White House Conference on Children the revelation that ...Our national rhetoric notwithstanding, the actual patterns of life in America today are such that children and families come last... We call for a reordering of priorities at all levels of American Society so that children and families come first.

Once again we gather together in the same common cause. To find a way and means in which to more adequately represent the largest unrepresented segment of our population...our nations children... or better yet, our nations children who reside in a form of social service limbo. These are the children, who for whatever reason, have joined the realm of the "system"...a system that cannot permit them to return to their own family unit and will not permit them to adopt a new family unit due to the archaic policies which have created ludicrous barriers to their human right to be nurtured, loved and bonded to a family. Barriers such as floor space in your home, savings account, race, religion, age, marital status, and endless forms to complete filled with ridiculous questions that are meaningless for the most part. If a child is placed in a home where he or she is loved, loves back, becomes a part of that family and responds to the enviorment, the only consideration should not be whether the adoptive parents can survive the social service departments obstacle course, but rather a brief list of those issues which would disqualify them. These issues should be confined to those same fears all parents must protect their children from such as abuse, molestation, drugs, alchohol abuse and criminal elements. Going beyond that is superfluous protection and denies thousands of these children a chance to settle into their own niche whether it happens to be in a low imcome or high income family and irregardless of race. What they don't want is to be bounced around from pillar to post at the whim of the Department of Social Services "standard policy".

If, like me, you could hear and see the many cases of flagrant emotional child abuse that these children of "the system" have suffered under the purview of child protection it would boggle the intelligent minds of all of you present here today.

The biggest barrier of them all is the money these children of ~~our~~ this "social limbo" provide to the state and county entities. Foster children have become a monumental income producing industry for them. For too long we have permitted them to be used as pawns in local government budgets. Keep the children in the system, and you keep the money in the budgets.

In an endless effort to upgrade the standards for America's children, we have created an agency for every conceivable aspect of a child's needs, condition or potential situation. Preservation of a child's right to proper nutrition, education, health and safety is a constant concern to the general public. Endless programs are introduced and the list of government agencies are infinite. Most of which have nothing to do with one another, are administered independently, have their own lobbies and are in direct competition with one another for budget increases. The fundings received goes for administration costs, salaries for social workers, accountants, administrators and countless others. They make up the largest segment of employees in our respective states barring none. We have virtually made the children of our society who necessitate these services our most valuable financial resource. Yet, we have failed criminally to serve the whole child. It is ludicrous that we have not expanded the scope of our vision to include the most important five letter words in our children's existance; to-wit, "human right", legal right" and "moral right".

Cases such as mine is not unique. Rather,.it has sadly become the rule and not the exception. The insensitivity and callousness in which adoption of these unfortunate children are handled, due to department policies and archaic laws, must be ceased. They must be stopped from using these children as budget builders under the guise of their so called attempt to find the perfect storybook family to place them in.

Tina Turner is currently amassing a nice income from her latest record release called "What's Love Got To Do With It?".....likewise is this nations adoption services departments!!!!!

(cost figures)

Little of the monies provided for each of these children actually trickle down to the foster child..

There is no means avaiable to citizens to request an inquiry of questionable procedures followed by the department of social services. The local Grand Jury cannot touch an inquiry, the state attorney generals office cannot touch an inquiry. It gives the appearance of being above the law since it is answerable to no man, woman or child, My baby girl is no longer in our home, but the almost 4 years that she graced our family with her delightful presence will live in our hearts forever. It appears we committed the cardinal sin of foster parenting...we fell in love with a small hollow-eyed 4 month old infant who needed us. She came alive, became a loving child as well as a true member of our family. The two years of legal proceedings my children and I have lived with in our attempt to cut down the adoption policies that separated us have, to say the least, been extremely difficult. The public humiliation, legal degradation and defamation will all have been worth it if we should prevail at the conclusion of the current judicial proceedings.

In conclusion, I would like to read a quotation of the late Senator Robert F. Kennedy:

"Each time a man stands up for an ideal, he sends forth a ripple of hope..."

I believe in those words with my soul. I feel strongly that they reflect the real hope for the survival of America's democracy and just laws that would embrace all of her citizens including the lost children in this bureaucratic maze we refer to as "child protective services". And if drawing attention to the plight of my family to have our baby back home has in some way sent that ripple of hope to you here today, our grief will have been lessened. I ask only of you gentlemen, that you send back across this nation, a tidal wave!!

Thank you

The **Chairman**. Let us turn to Senator Humphrey at this time. And we understand, Senator Humphrey, how busy you are.

Senator **Humphrey**. Thank you, Mr. Chairman, for letting me sit in. I am not a member of the committee but have a particular interest in this matter. As a matter of fact, for those who are not aware of it, recently there has been formed a Congressional Coalition on Adoption, which will be able to give its full time to the issue. That coalition is chaired on the House side by Representatives Bliley and Oberstar, and on this side by Senator Bentsen and me. Unfortunately, I too will have to take leave because I have to attend a meeting of the Helsinki Commission on Human Rights which is now beginning. I hope I can return, Mr. Chairman. But, in any event, I commend you for this series of hearings on adoption. It is a matter that is greatly in need of attention for a number of reasons, in need of attention because it has not been attended to. It has been a matter of inattention for so very long, and I know, Mr. Chairman, that you share my concern that we create positive and facilitate positive alternatives to abortion, and surely adoption is one of the most loving of those alternatives.

So I again commend you for holding this hearing, and I certainly will try to come back if I can.

The **Chairman**. Thank you, Senator Humphrey.

Senator Humphrey is head of the adoption coalition or caucus in the Congress, and I want to commend him for the work he is doing in this area.

Senator Kerry, let us turn to you.

Senator **Kerry**. Thank you very much, Mr. Chairman.

I regretfully fall into the same category as my colleagues. I am afraid all of us have too much occurring at once, but I have to attend another hearing.

I did want to say to those who have testified now and those who will testify later, how much I appreciate your willingness to come here and share with us not only the substance of your thoughts, but also to share with us obviously some very real and raw emotions and feelings that are, without doubt, very difficult to say. And I thank you for taking the time to do this.

It is my perspective that these hearings raise a number of different issues, not just the issue of the placement process and of the values and attitudes that are attendant to that process; but I think it also raises issues of policy with respect to the Medicaid system and its availability to people and how that may or may not restrict the ability of people to be able to adopt. I think it also raises the issue of the social safety net.

It seems to me that those who have studied this issue, and those who follow it, understand that there are many—too many unhealthy situations within homes that are created by virtue of the lack of support systems, by diminishment in that safety net. And I think whether it is Aid to Families with Dependent Children or social service block grants or Medicaid or child nutrition, that the diminishment of those programs in many cases has had an impact on families to such a degree that foster situations may be created where otherwise they might not have been necessary. And I think that is an issue that ought to be looked at in the course of this process.

Needless to say, the fundamental issue about how States approach adoption, and what kind of impediments exist in attitudes is, regarding adoption, I think, central to our concerns. Mary Brown, you have addressed this and others of you will address this later in the hearing.

Finally, I think that these hearings raise an important question about the need to exoand outreach programs themselves and, obviously, this committee has direct jurisdiction over the Adoption Opportunities Act which is central to that. And through this act we can certainly expand minority recruitment efforts and adoptive parent supporting programs which I think are essential.

So I look forward to being able to follow your testimony through the record, and would also look forward to the July 10 hearings. And, Mr. Chairman, I hope it will be possible to impose on your graciousness and ask you for perhaps permission to have one witness at that hearing if that meets with your approval.

The **Chairman**. We will surely try to accommodate you.

Senator **Kerry**. I do welcome these hearings, Mr. Chairman. I thank you for having them, and regret I cannot stay through them. But my interest, I assure you, will extend beyond this morning.

The **Chairman**. Thank you, Senator Kerry. We appreciate that.

Senator Metzenbaum, do you have any questions for Ms. Brown?

Senator **Metzenbaum**. I was unable to get here because I was attending another meeting, and I was late for that one because I was playing with my granddaughter at home, but I am interested in the thrust of your concerns and want to be helpful.

I do have an opening statement, Mr. Chairman, but I do not want to impose upon the testimony or the time of the witnesses who are here. I will submit it for the record.

The **Chairman**. Thank you very much, Senator. We will place it in the record at an appropriate place.

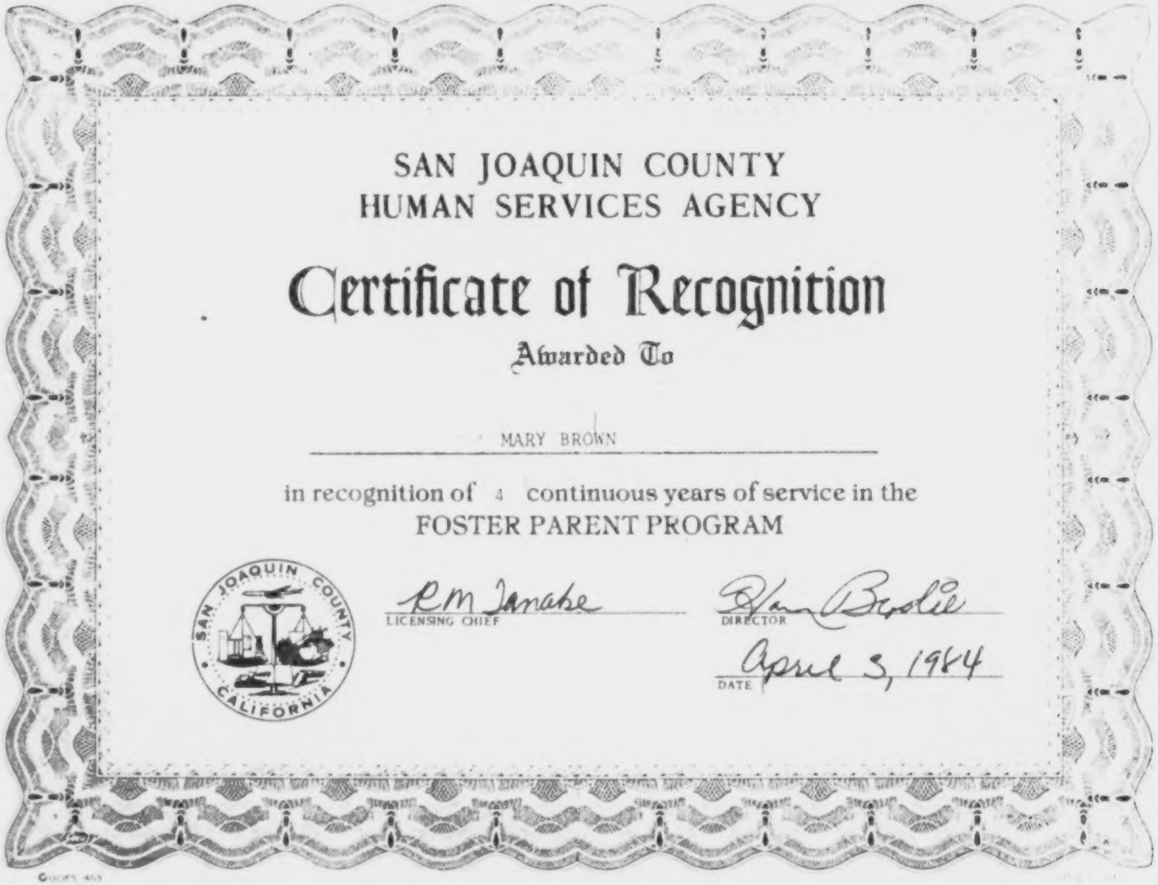
Ms. Brown, do you have any documents you care to place in the record? I understand you brought some with you.

Ms. **Brown**. Yes. I have a statement of a decision that the judge made at the beginning of the testimony in my case in the courts. He at that point felt that there was definitely a problem, but his hands were tied because of the civil code in California.

The **Chairman**. OK.

Ms. **Brown**. I have a copy of my certificate of recognition. I have a copy of the Federal court petition saying, in essence, that a foster family that wished to adopt a child should be considered above all other applicants, because if they have had that child within their home for any length of time, there is a bonding that has taken place.

[Information supplied for the record follow:]



SAN JOAQUIN COUNTY
HUMAN SERVICES AGENCY

Certificate of Recognition

Awarded To

MARY BROWN

in recognition of 4 continuous years of service in the
FOSTER PARENT PROGRAM

RM Tanabe
LICENSING CHIEF

DIRECTOR

April 3, 1984
DATE

FILED

83 MAY 17 PM 3 47

RALPH W. [illegible]PERSON, CLERK
BY DEPUTY

REC'D MAY 18 1983

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

In the Matter of: "JENNY" A Minor.	No. 166063 STATEMENT OF DECISION

The file discloses that this black female child, born October 29, 1979, was placed with petitioner Mary Brown as a foster child on March 4, 1980. The placement was not for adoption purposes.

As County Counsel correctly points out, this basic fact limits the Court's authority to review the Department of Public Assistance's denial of petitioner's application for adoption.

Civil Code section 224n provides that no petition may be filed to adopt a child relinquished to a Department of Public Assistance except by prospective adoptive parents with whom the child has been placed for adoption by the Department or licensed adoption agency.

Since no contract for adoption was ever entered into between petitioner and the Department, petitioner has no standing in this Court to review the Department's denial of her application. The case of *C. V. C. v. Superior Court*, 29 Cal.App.3d 909, relied upon by petitioner, is inapplicable here, since that case involved a situation where the child had originally been placed with a couple for adoption, pursuant to an agreement for adoption, and so came within the purview of Civil Code section 224n. The case is distinguishable from the matter at hand.

It is the decision of the Court that the petition is hereby denied and the order to show cause is hereby discharged.

By such an order, the Court is not unmindful of the love and affection the petitioner, Mary Brown, and her family have for the three year old child. If there is any way possible for the petitioner to be considered as an adoptive parent, such consideration should be given the highest priority. Morally, this must be so.

Dated: May 17, 1983

Frank Kim
FRANK KIM
Judge of the Superior Court

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ORIGINAL
FILED

JAN 22 1985

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY ________
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARY BROWN, et al., Plaintiffs, v. COUNTY OF SAN JOAQUIN, et al., Defendants.	NO. CIV.S-83-1464 RAR MEMORANDUM AND ORDER

The question presented by the pending cross-motions for summary judgment is whether a foster parent, a foster child, or both, is entitled to procedural due process before a county welfare department[1] removes the child from the home, thus terminating the foster parent - foster child relationship. Because California law already requires county welfare departments to provide procedural due process to foster families in most circumstances,[2/] the precise issue raised by this action is the constitutionality of the California regulation which excepts foster families similarly situated to the plaintiffs from entitlement to procedural due process. Cal. Dept. of Social Services Manual §30-378.23.[3/]

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[1] County welfare departments are responsible for the delivery, in accordance with regulations promulgated by the State Department of Social Services, of services to foster families. Cal. Welf. & Inst. Code §10800, Cal. Dept. of Social Services Manual §§10-005.13, 10-052, 10-100, et seq.

I. FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff Mary Brown is a white, middle-aged woman residing in the County of San Joaquin, State of California. Ms. Brown is a licensed day-care provider and a licensed foster parent.[4/]

[2/] Cal. Dept. of Social Services Manual §§30-348, 30-378.

[3/] The court is cognizant of 28 U.S.C. §2403(b) and E.D. Cal. L.R. 133(b), and the notice requirements contained therein. When the complaint was originally filed, the plaintiffs named as defendants, inter alia, the State of California and the State Department of Social Services. Thereafter, the state defendants sought and obtained a dismissal with respect to plaintiffs' 42 U.S.C. §§1983, 1981 claims, and the plaintiffs subsequently stipulated to a dismissal of their Title VI claims against the state defendants. Although the complaint is not couched in terms of an express challenge to the constitutionality of §30-378.23, this court is of the opinion that the complaint gave adequate notice of the issue to the State so as to comply with 28 U.S.C. §2403(b).

[4/] With certain exceptions not relevant hereto, no person may provide either foster care or day care to infants and children without a license issued by the State. "Foster care" is defined as 24-hour, residential care. Cal. Health & Safety Code §1502(5); Cal. Welf. & Inst. Code §11400(e); Cal. Dept. of Social Services Manual §30-002(k). "Day care" is defined as non-medical care provided on less than a 24-hour basis. See Cal. Health & Safety Code §1502(3).

Plaintiff "Jenny"[5] was born on October 29, 1979. Her biological mother proved to be neglectful, as a result of which Jenny came to the attention of the child welfare services unit of the San Joaquin County Human Services Agency. The County determined that Jenny was a child in need of protection and care, Cal. Welf. & Inst. Code §300, and, on March 7, 1980, when Jenny was four months old, the County placed Jenny in the home of Ms. Brown. Shortly thereafter Jenny was adjudicated a dependent child of the court. Cal. Welf. & Inst. Code §360(b). It appears from the record that Jenny's biological mother was white and that she was unwilling or unable to name Jenny's father. However, the parties seem to be agreed that, judging by appearances, Jenny's father is black.

Jenny lived in Ms. Brown's home from March 7, 1980, until July 6, 1983, a period of 3 1/4 years. Sometime in 1981 the County became convinced that the reunification of Jenny with her biological parent(s) would never occur. The County therefore became obligated to find a permanent placement for Jenny. Cal. Welf. & Inst. Code §16508. See also Cal. Welf. & Inst. Code §§366.2, 366.25. In July of 1981, when Jenny was approximately 1 1/2 years old and had been living with Ms. Brown for approximately sixteen months, the County invited Ms. Brown to apply to adopt Jenny. Ms. Brown accepted that invitation and commenced completing the application forms and attending the pre-adoption classes prescribed by the County. In June of 1982, approximately one year after the County had invited Ms. Brown to apply to adopt Jenny, the County informed her that her application had been denied.

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[5] "Jenny" is not the true name of the infant plaintiff. Since, it is the policy of the State of California to protect the anonymity of dependent children, cf. Cal. Welf. & Inst. Code §346, the court granted the plaintiffs' petition to permit Jenny to appear by a fictitious name.

Ms. Brown responded to this denial by filing a petition to adopt Jenny.[6/] Cal. Civ. Code §224n. The County moved to dismiss the petition on the ground that Ms. Brown lacked standing to file such a petition. In this regard, §224n of the California Civil Code provides, in relevant part:

> No petition may be filed to adopt a child ... except by the prospective adoptive parents with whom the child has been placed for adoption by the department....

The County argued that Ms. Brown was not a "prospective adoptive parent" within the meaning of the statute because the County had not placed Jenny with her *for adoption*, and thus Ms. Brown was, *ipso facto*, ineligible to file a petition to adopt.

The trial court was persuaded by the County's argument, granted the County's motion to dismiss, and entered a judgment of dismissal. Ms. Brown did not file an appeal from

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[6/] At the time that Ms. Brown filed her petition to adopt, formal proceedings to have Jenny declared free from parental custody and control, Cal. Civ. Code §§232, *et seq.*, had not been completed. Thus whatever its other defects, Ms. Brown's petition was premature. Jenny was declared free from parental custody and control by an Order of the Superior Court entered January 7, 1983.

the court's dismissal of her petition. Instead she filed a petition for a writ of mandate in the District Court of Appeal. See San Diego Department of Public Assistance v. Superior Court, 7 Cal. 3d 1 (1972); C.V.C. v. Superior Court, 29 Cal. App. 3d 909 (1973). Although the appellate court initially granted a stay, permitting Jenny to remain in Ms. Brown's home pending its evaluation of the petition, eventually the appellate court denied the petition and dissolved the stay. Ms. Brown's petition for a hearing in the California Supreme Court met a similar fate, and on July 6, 1983, Jenny was removed from Ms. Brown's custody. The County has now placed Jenny elsewhere, but the particulars of that disposition are unknown to the court at this time. On December 6, 1983, Ms. Brown commenced the instant litigation in federal court seeking damages and injunctive and declaratory relief. On December 11, 1984, plaintiff filed a first amended complaint which in effect substantially narrowed the contentions of the original complaint.

II. RES JUDICATA

The defendants have asserted that the plaintiffs' action is barred by the doctrine of res judicata, relying on Migra v. Warren City School District Board of Education, 104 S. Ct. 892 (1984). The defendants contend that the plaintiffs' present action is barred because Ms. Brown could have and should

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have joined her present claim for procedural due process to her petition to adopt Jenny.[7/]

In Migra the United States Supreme Court decided that the doctrine of res judicata applies as fully in federal civil rights actions as it applies in other actions. Thus a federal district court hearing a civil rights action is required to give prior judgments of a state court precisely the same preclusive effect that such judgments would be given by the rendering state court. The question thus presented is what preclusive effect, if any, would the courts of the State of California give the judgment of dismissal issued in the adoption proceedings instituted by Ms. Brown?

California adheres to the "primary rights" doctrine, whereby each invasion of a primary right gives rise to a separate and distinct claim. Agarwal v. Johnson, 25 Cal. 3d 932 (1979); Slater v. Blackwood, 15 Cal. 3d 791 (1975). Furthermore, California law permits, but does not require, the joinder of different claims. Cal. Civ. Proc. Code §427.10. Thus under California law, a plaintiff may file as many actions as he has

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[7/] For obvious reasons, Ms. Brown was the only petitioner in the state court proceedings. The child who is the subject of the petition is not considered a petitioner. The defendants have not explained why Jenny's action is barred by Ms. Brown's petition to adopt.

separate and distinct claims.[8] The preclusive effect of the judgment of dismissal in the adoption proceedings must therefore be determined by inquiring whether the primary right asserted by Ms. Brown in this action is the same as or different from the primary right asserted in the petition to adopt.

As both courts and commentators have noted, framing the question as one of "primary rights" does not inevitably yield self-evident answers. City of Los Angeles v. Superior Court, 85 Cal. App. 3d 143, 153 (1978). It is clear that a primary right is not defined by the relief sought, Busick v. Workmen's Compensation Appeals Board, 7 Cal. 3d 967 (1972), or by the legal theory on which the plaintiff bases his claim. Panos v. Great Western Packing Co., 21 Cal. 2d 636 (1945). Rather a primary right is defined either by the harm suffered by the plaintiff, Agarwal v. Johnson, supra, Slater v. Blackwood, supra, or by the substantive right allegedly invaded. Mattson v. City of Costa Mesa, 106 Cal. App. 3d 441 (1980); Stafford v. Yerge, 129 Cal. App. 2d 165 (1954).

It is difficult, of course, to analyze the adoption proceedings in terms of harm suffered. By filing the petition to adopt Jenny, Ms. Brown was not seeking to redress an injury inflicted upon her by another. The adoption proceedings were at most the assertion of a single substantive right -- the right to adopt Jenny. It is clear that this is not the substantive right asserted by Ms. Brown in the present litigation. In this action Ms. Brown is asserting that, regardless of her entitlement, or lack thereof, to adopt Jenny, as a foster parent she is entitled to procedural due process before the County removes her foster child from her home and destroys the foster parent - foster child relationship.

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[8] This rule does not have quite the horrific ramifications that might be surmised at first blush. The doctrine of collateral estoppel will bar relitigation of issues actually litigated in the first action, and the statute of limitations will usually force a plaintiff to file all of his actions against a particular defendant within a short period of time, thus making consolidation possible. See generally B. Witkin, California Procedure, "Pleading," §243, p. 1916 (2d. ed. 1971).

The court concludes that the California courts, if presented with the question, would hold that Ms. Brown is not "splitting a cause of action" but is bringing independent actions on independent claims.[9/] Thus the California courts

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[9/] The court notes that in a memorandum of points and authorities submitted on behalf of Ms. Brown in the adoption proceedings, considerable reference was made to both California and federal cases discussing the requirements of procedural due process. The court concludes that this material cannot be considered to have been a claim for procedural due process before the termination of the foster parent - foster child relationship. First, it seems self-evident that the claims actually put in issue are those stated by the complaint or, as in this case, the petition. Second, the memorandum must be read in light of the earlier stipulation of the parties that "the only issue before the court would be, does Mrs. Mary Brown have a right to proceed with this petition?" Although the memorandum is not a model of pleading, it is most plausibly construed as an argument that there is California precedent for affording persons with a "psychological parent" relationship extra-statutory rights and that the statutory term "prospective adoptive parent" therefore ought not to be interpreted in a technical sense. It seems apparent from the memorandum that Ms. Brown's counsel believed

(footnote continued on Page 9)

would not consider the judgment of dismissal in the adoption proceedings to have a claim preclusive effect. Accordingly, the present action is not barred by the doctrine of res judicata.[10/]

III. PROCEDURAL DUE PROCESS

As a general rule, an individual is entitled to procedural due process before prejudicial governmental action occurs only if the governmental action would cause a deprivation of life, liberty, or property. Board of Regents v. Roth, 408 U.S. 564 (1972); Goodisman v. Lytle, 724 F.2d 818 (9th Cir. 1984); Powderly v. Schweiker, 704 F.2d 1092 (9th Cir. 1983). In the instant case, then, plaintiffs can demonstrate entitlement to procedural due process before the County removes the child from the home only if either or both of them can demonstrate a liberty or property interest in the continuation of the foster parent - foster child relationship.

(Footnote [9/] continued)

that unless Ms. Brown were found to be a "prospective adoptive parent" within the meaning of the statute, then the termination of her relationship with Jenny, and Jenny's with her, was inevitable and irremedial, hence the rhetorical flourishes. It should be noted that Ms. Brown's present counsel did not represent her in the state court proceedings.

[10/] This disposition of the defendants' res judicata defense makes it unnecessary to discuss the implications of a dismissal for lack of standing. See B. Witkin, California Procedure, "Judgment," §174, p. 3315-16 (2d ed. 1971) ("No difficulty is encountered with a judgment entered after sustaining a special demurrer for formal defects such as ... incapacity to sue.... It is not res judicata.") Similarly, it is unnecessary to discuss the preclusive effects of the appellate courts' denial of Ms. Brown's petition for the issuance of an extraordinary writ. See Consumers Lobby Against Monopolies v. Public Utilities Commission, 25 Cal. 3d 891, 901 n.3 (1979).

Quite clearly the County's removal of Jenny from Ms. Brown's home did not deprive either plaintiff of a so-called property interest. However expansively one reads the term "property," it cannot include the foster parent - foster child relationship. Such a relationship, if entitled to any protection at all, is protected because of the profound emotional and psychological bonds existing between the foster parent and the foster child, not because of any economic or proprietary interest of either party. The precise question, therefore, is whether there is a protected liberty interest in the continuation of a foster parent - foster child relationship.

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One source for the identification of protected liberty interests is state law. Vitek v. Jones, 445 U.S. 480 (1980). Smith v. Organization of Foster Families for Equality & Reform, 431 U.S. 816, 845-846 (1976) (hereinafter Smith v. OFFER). When a state by its enactments creates the expectation that certain interests will be protected absent specified good cause, then the state must afford the individual procedural due process before upsetting that expectation. Id. California law does create the expectation that a foster family relationship of significant duration will be protected from arbitrary destruction.

The first and paramount goal of California law is the reunification of children with their natural parents:

> It is the policy of the Legislature that foster care should be a temporary method of care for the

> children of this state, that children have a right to a normal home life, that reunification with the natural parent or parents or another alternative permanent living situation such as adoption or guardianship are more suitable to a child's well-being than is foster care, and that this state has a responsibility to attempt to ensure that children are given the chance to have a happy and healthy life, and that, to the extent possible, the current practice of moving children receiving foster care services from one foster home to another until they reach the age of majority should be discontinued.

Cal. Welf. & Inst. Code §396. Consistent with these goals, the legislature has mandated that each county institute a Family Reunification Program:

> The Family Reunification Program is designed to provide time-limited foster care services to prevent or remedy neglect, abuse, or exploitation, when the child cannot safely remain at home, and needs temporary foster care, while services are provided to reunite the family.

Cal. Welf. & Inst. Code §16501.2 (emphasis supplied). See also Cal. Welf. & Inst. Code §361(e).

California law bespeaks, however, a recognition that the goal of family reunification and the goal of a permanent and stable home are often in conflict. California law reconciles these conflicts by making familial reunification a primary goal but imposing a time limit within which reunification must be achieved. When events demonstrate that the goal of family reunification is unrealistic, then the focus is placed on finding a permanent, stable home for the child.

Family reunification services must be provided to both parents and a child who has been removed from their custody after an adjudication of dependency, but services must be provided for only twelve, or at most eighteen, months. Cal. Welf. & Inst. Code §361(e); Cal. Welf. & Inst. Code §16507. The juvenile court must hold a "status review hearing" not later than six months after the original order removing the child from his parents' custody. Cal. Welf. & Inst. Code §§366, 366.2. In the event that the child cannot then be returned to his parents, the juvenile court must expressly inform the parents that unless the problems which led to the adjudication of dependency are not sufficiently resolved to permit reunification within an additional six months, proceedings to terminate their parental rights permanently may be instituted. Cal. Welf. & Inst. Code §366.2(e). Finally, the juvenile court is required to conduct a "permanency planning hearing" for a dependent child not later than twelve months after the original order removing the child from his parents' custody. Cal. Welf. & Inst. Code §366.25. If the juvenile court then determines that reunification is neither presently possible nor substantially probable, the court is required to fashion an alternate, permanent plan for the child's future. Cal. Welf. & Inst. Code §366.25(d).

California law recognizes and affords protection to the interest of foster parents and foster children in an

enduring relationship only once the goal of reunification has largely been abandoned in favor of finding a permanent and stable home for the child. At that point the existence of a stable and loving relationship between the foster parent and the foster child limits the options available to the juvenile court charged with the responsibility of formulating a permanent plan for the child. In fashioning a permanent plan for the child's future, the juvenile court is required to consider three possible alternatives in descending order of desirability -- adoption, guardianship, and other. The availability of each of these alternatives, however, is circumscribed when the child is living with a foster parent to whom he is deeply attached and who is willing and able to provide a stable and permanent home. Cal. Welf. & Inst. Code §366.25(d).[11/] Thus, although a juvenile court must order the commencement of proceedings to terminate the rights of the biological parent for a child who is otherwise adoptable, it may not do so if the child is residing with a beloved, loving, responsible foster parent who is

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[11/] Section 366.25 and companion sections of the California Welfare and Institutions Code were enacted as emergency measures in 1982 and became effective immediately. They were enacted to effect a substantial reform in the foster care services delivery system in California and to bring California into compliance with P.L. 96-272, 42 U.S.C. §670, et seq. See generally English, A., Foster Care Reform (Washington, D.C. Legal Services Corp. Research Institute 1981); Senate Preprint 13, Senate Preprint 14, Master Plan for Children: Hearings before the Senate Select Committee on Children and Youth (November 1980). Section 366.25 became law just shortly after the County informed Ms. Brown that her application to adopt Jenny had been denied and while Jenny was still living with Ms. Brown.

nevertheless unable formally to adopt the child. Cal. Welf. & Inst. Code §366.25(d)(1)(C).[12/] Similarly, in the case of a non-adoptable child, the juvenile court is required to consider the creation of a guardianship for the child, but may not do so if the child is living with a beloved, loving, responsible foster parent who is nevertheless unable formally to become the child's guardian. Cal. Welf. & Inst. Code §366.25(d)(2). Finally, the preservation of a subsisting foster parent - foster child relationship is to be preferred over any other alternatives:

> When the minor is in a foster home and the foster parents are willing and capable of providing a stable and permanent environment, the minor shall not be removed from the home if the removal would be seriously detrimental to the emotional well-being of the minor because the minor has substantial psychological ties to the foster parents.

Cal. Welf. & Inst. Code §366.25(d)(3). Thus, by statute, the State of California has provided that the foster family relationship is entitled to recognition and protection.

[12/] Until recently the statute did not provide that foster parents to whom the child was deeply attached and who were both capable of providing a stable and permanent home and able to formally adopt the child were entitled to any preferential consideration as adoptive parents. This odd lacuna in the law has been remedied by Cal. Stats. 1984, ch. 190, p. 234-37, §1. effective January 1, 1985. Now loving, beloved, responsible foster parents are entitled to preferential consideration at every stage of the placement process.

California courts, too, have recognized that relationship and held it to be entitled to protection. In In re B.G., 11 Cal. 3d 679 (1974), the late Justice Tobriner, with his customary eloquence, observed:

> The fact of biological parenthood may incline an adult to feel a strong concern for the welfare of his child, but it is not an essential condition; a person who assumes the role of parent, raising the child in his own home, may in time acquire an interest in the "companionship, care, custody, and management" of that child. The interest of the "de facto parent" is a substantial one, recognized by this court in Guardianship of Shannon (1933) 218 Cal. 490 [23 P.2d 1020] and by the courts of other jurisdictions and deserving of legal protection.
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> ...
>
> The status of the de facto parent received statutory sanction with enactment of the Family Law Act in 1969. Previously Civil Code section 138 distinguished only between awards of custody to parents and nonparents; the Family Law Act, in Civil Code section 4600, added the stipulation that when an award of custody to the parent would be detrimental next in order of preference stands "the person or persons in whose home the child has been living in a wholesome and stable environment."

(footnotes omitted). 11 Cal. 3d at 692-93. The court concluded by holding that the foster parent - foster child relationship was such that foster parents had a right to participate fully in all juvenile court proceedings affecting the placement of the child, including the status review hearing which occurs within six months of the original order removing the child from his parents' custody.[13] Cal. Welf. & Inst. Code §366.2(b), (d). See also Katzoff v. Superior Court, 54 Cal. App. 3d 1079 (1976). Subsequently, California appellate courts have upheld the rights of foster parents in a variety of contexts. See In re Phillip B., 139 Cal. App. 3d 407 (1983); In re Lynna B., 92 Cal. App. 3d 682 (1979). See generally Harris, A., ed., California Juvenile Court Practice: Dependent Minors, Status Offenders (CEB 1981, Supp. 1984).

The court concludes that California law does create the expectation in both foster parents and foster children that, absent good cause, a subsisting relationship of mutual love and affection will be permitted to continue. California law recognizes a hierarchy of interests. During the first twelve months in which a child is separated from his parents, every effort is made to restore the status quo ante. During that period, foster care is regarded exclusively as a temporary expedient. Once the prompt reunification of the child with his biological parents is conceded to be an impossibility, however, then the primary goal is the provision of a stable and permanent home for the child. At this point, the law recognizes that emotional ties between the foster parent and the foster child may have come into existence, and that the child's best interests may be served by protecting those emotional ties. The court therefore concludes that no foster parent or foster child can, on the basis of California law, form the expectation of an indefinite relationship during the period when familial reunification efforts are occurring but that both foster parents and foster children are permitted by California law to expect an enduring relationship once efforts at familial reunification have been abandoned.

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[13] The parties to this action have not supplied the court with a copy of the record of the proceedings regarding Jenny in the juvenile court. However, the court notes that the County did not inform Ms. Brown that her application to adopt Jenny had been denied until more than two years after the original dependency proceedings, presumably well after proceedings in the juvenile court had been completed.

As noted above, the applicable California regulations do require the counties to provide procedural due process to foster families before removing the child from the home. Cal. Dept. of Social Services Manual §§30-348, 30-378, 30-448. Those regulations contain certain exceptions, however: no pre-removal notice need be provided to foster families if the child is in imminent danger, if the foster parents have waived their right to pre-removal notice, [14/] if a court has expressly ordered the child's removal, if the foster parents' license has been revoked, or if the child is being reunited with its parents after a voluntary placement. Cal. Dept. of Social Services Manual §30-348.2. The grievance review otherwise available is not

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[14/] Waivers cannot exceed six months from the date of placement and are authorized only as exceptions to routine practice, "to meet unusual individual exigencies." Cal. Dept. of Social Services Manual §30-348.11.

provided when any of the exceptions to §30-348 apply, when the decision to remove the child is the result of the regular administrative review,[15] or when the child is being removed "for direct placement into an adoptive home."[16] Id. at §30-378.2.

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[15] An elaborate administrative review every six months is mandated by both state and federal law. 42 U.S.C. §§671(a)(16), 675(5)(B), 675(6); Cal. Welf. & Inst. Code §16503; Cal. Dept. of Social Services Manual §§30-390, 30-490, et seq. Although there is some ambiguity about the availability of judicial review of the administrative determination, see Cal. Dept. of Social Services Manual §30-499.1, cf., Cal. Civ. Proc. Code §1094.5, the foster parents are entitled to full participation in the administrative proceedings. Cal. Dept. of Social Services §30-494.14.

[16] There are two other exceptions to the general obligation to provide grievance reviews to aggrieved foster parents, but neither of them has any application to the removal of the child from the home. The county need not provide a grievance review when the gravamen of the complaint is a challenge to the validity of a law or a statewide regulation or when the grievance is one for which a "state hearing," see Cal. Dept. of Social Services Manual §22-101.31, is available. Cal. Dept. of Social Services Manual §§30-378.24, 378.25. A state hearing is not available to review a county decision to remove a foster child from his foster home. Id. at §22-001.62.

It is this last provision on which the County relies to justify its denial of a pre-separation hearing for Ms. Brown and Jenny.[17]

The occasions when a foster child may be removed from his foster home for direct placement in an adoptive home without procedural due process having been accorded the foster parents ought to be quite rare. Because California law protects the right of foster parents to participate in all judicial and administrative proceedings affecting the placement of their foster child, In re B.G., 11 Cal.3d 679, Cal. Welf. & Inst. Code §§366.2(b), 366.25(b), 16503, Cal. Dept. of Social Services Manual §§30-390, 30-490, 30-494.14, because California law requires frequent judicial and administrative review of all foster care placements, Cal. Welf. & Inst. Code §§366.25(a), 16503, Cal. Dept. of Social Services Manual §§30-390, 30-491.12, and because California law expressly favors stable, enduring foster family placements over adoption, Cal. Welf. & Inst. Code §§366.25(d)(1)(C), it is difficult to imagine how a juvenile court decision to place the child for adoption in lieu of preserving the foster family relationship can ever be made without the full participation of the foster family.[18/] Rare or commonplace, however, the removal of a foster child from a

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[17] The County also relies, albeit cursorily, on the exception in §30-348.23: "A court has ordered the child's removal." The court order to which the County points is the order dismissing Ms. Brown's petition to adopt Jenny, but the County's reliance is misplaced. First, the Superior Court, in dismissing Ms. Brown's petition to adopt, only adjudicated Ms. Brown's standing to file such a petition; it did not adjudicate Jenny's best interests. Second, in concluding that the County was entitled to custody of Jenny, the Superior Court only affirmed the status quo; it did not order her removal from Ms. Brown's home. On the contrary, the court urged the County to reconsider Ms. Brown's application to adopt Jenny.

The exception created by §30-348.23 must be understood in context. There is no need to provide foster parents with pre-removal notice and hearing if full due process has already been accorded. The Due Process Clause does not mandate duplicative procedures or idle ceremonies. Ybarra v. Bastian, 647 F.2d 891, 893 (9th Cir. 1981). A court order for the removal of the child from the foster home presupposes a proceeding in which the best interests of the child were litigated and in which the foster parents were permitted to participate. Section 30-348.23 may profitably be compared with §30-348.25, which excuses pre-removal notice to the foster parents if the child has been placed in foster care voluntarily. A biological parent who places his child in foster care voluntarily is entitled to remove his child from foster care at any time, but a biological parent whose child was placed in foster care as a result of a court order may obtain the return of his child only by court order. Thus §§30-348.23, 30-383.25 are complementary regulations, the former applying to children who are in foster care as a result of a court order under Cal. Welf. & Inst. Code §361(c) and the latter applying to children who are in foster care as a result of a voluntary placement.

[18/] In Ms. Brown's case it is probable that she was denied the opportunity to prove the existence of the conditions precedent to the preservation of the foster family in preference to all other plans for the child's future because the statute explicitly providing protection for foster familial bonds, Cal. Welf. & Inst. Code §366.25(d), did not become law until 1982, presumably well after the juvenile court had ordered the County to find an adoptive home for Jenny. It is possible that Ms. Brown's situation is sui generis, but, judging by the statutory and regulatory scheme, it seems equally possible that other foster families could find themselves in the same predicament. A foster parent, believing that he will be permitted to adopt his foster child, may eagerly accede to the county's recommendation, made at the permanency planning hearing, that the child be placed for adoption. If the county subsequently denies the foster parent's application for adoption, plans the removal of the child from the foster parent's home for placement with county-designated prospective adoptive parents, and denies the foster parent's request for a pre-removal hearing on the strength of §30-378.23, then the foster parent will be denied any opportunity to litigate his right, and the right of the foster child, to the preservation of the familial relationship.

foster home without affording the foster parent the right to prove the satisfaction of the statutory criteria for the protection of the foster familial bonds -- substantial psychological ties between foster child and foster parent and the foster parent's willingness and ability to provide the foster child with a stable and permanent home -- amounts to the destruction of a state-created liberty interest without procedural due process.

Section 30-378.23, insofar as it operates to deprive foster families of a hearing on their right to the preservation of their familial relationship, is unconstitutional. Foster parents and foster children have been invited by Cal. Welf. & Inst. Code §366.25 to believe that once efforts to reunite the child with the biological parents have been abandoned, and provided that the foster parents are willing and able to provide a permanent and stable home for the foster child, the familial relationship will be protected from disruption. California law thereby creates a liberty interest in the preservation of foster families. Having created an expectation of an enduring relationship, the state and its political subdivisions must afford the parties to that relationship procedural due process.

B

The Due Process Clause of the Fourteenth Amendment is a source of liberties protected by the requirement of pre-deprivation procedural due process independent of state law. Vitek v. Jones, 445 U.S. 480 (1980). The identification of the precise contours of the liberties protected by the Constitution itself is not easy:

> "Liberty" and "property" are broad and majestic terms. They are among the "[g]reat [constitutional] concepts ... purposely left to gather meaning from experience.... [T]hey relate to the whole domain of social and economic fact, and the statesmen who founded this Nation knew too well that only a stagnant society remains unchanged." National Mutual Ins. Co. v. Tidewater Transfer Co., 337 U.S. 582, 646, 69 S.Ct. 1173, 1195, 93 L.Ed.2d 1556 (Frankfurter, J., dissenting).
>
> ... "While this court has not attempted to define with exactness the liberty ... guaranteed [by the Fourteenth Amendment], the term has received much consideration and some of the included things have been definitely stated. Without doubt, it denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized ... as essential to the orderly pursuit of happiness by free men." Meyer v. Nebraska, 262 U.S. 390, 399. In a Constitution for a free people, there can be no doubt that the meaning of "liberty" must be broad indeed. See, e.g., Bolling v. Sharpe, 347 U.S. 497, 499-500; Stanley v. Illinois, 405 U.S. 645.

Board of Regents v. Roth, 408 U.S. at 571-72. It is now well-established, however, that "family rights" are among the liberties protected by the Fourteenth Amendment:

> The personal affiliations that exemplify these considerations, and that therefore suggest some relevant limitations on the relationships that might be entitled to this sort of constitutional protection, are those that attend the creation and sustenance of a family -- marriage, e.g., Zablocki v. Redhail [434 U.S. 374 (1978]; childbirth, e.g., Carey v. Population Services Int'l, [431 U.S. 678 (1977)]; the raising and education of children, e.g., Smith v. Organization of Foster Families, [431 U.S. 816 (1977)]; and cohabitation with one's relatives, e.g., Moore v. City of East Cleveland, [431 U.S. 494 (1977)]. Family relationships, by their nature, involve deep attachments and commitments to the necessarily few other individuals with whom one shares not only a special community of thoughts, experiences, and beliefs but also distinctively personal aspects of one's life.

Roberts v. United States Jaycees, 104 S.Ct. 3244, 3250 (1984). "But is the relation of foster parent to foster child sufficiently akin to the concept of "family" recognized in our precedents to merit similar protection?" Smith v. OFFER, 431 U.S. at 842.

The Court left that question undecided in Smith v. OFFER. However, the Court did observe that "the usual understanding of 'family' implies biological relationships," but that "biological relationships are not the exclusive determination of the existence of a family."[19] *Id*. at 844. The marriage relationship, described by the Court as "the basic foundation of the family," is a contractual relationship, not a biological one. *Id*. at 843-45. The relationship between adopting parents and the adopted child is neither biological nor contractual, but simply human. The Court concluded:

> Thus the importance of the familial relationship, to the individuals involved and to the society, stems from the emotional attachments that derive from the intimacy of daily association, and from the role it plays in "promot[ing] a way of life" through the instruction of children, *Wisconsin v. Yoder*, 406 U.S. 205, 231-233 (1972), as well as from the fact of blood relationship.

Id. at 844. In a hypothetical that is an exact analogue of the facts of this case, the Court observed:

> No one would seriously dispute that a deeply loving and interdependent relationship between an adult and a child in his or her care may exist even in the absence of blood relationship. At least where a child has been placed in foster care as an infant, has never known his natural parents, and has remained continuously for several years in the care of the same foster parents, it is natural that the foster family should hold the same place in the emotional life of the foster child, and fulfill

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[19] Recently the Court has suggested that a biological relationship is neither necessary nor sufficient to create protectible liberty interest in the care and custody of one' children. *Lehr v. Robertson*, 103 S.Ct. 2985, 2993 (1983).

> the same socializing functions, as
> a natural family.

(footnotes omitted). Id.

The Court also noted the existence of considerations that militated against treating a foster family in the same way as a biological family: the foster family, unlike the biological family, is a creature of state creation, and recognizing a foster parent or foster child's right to procedural due process might derogate the biological parents' right to the return of their child to their custody. Id. at 846-47. In California, the possibility of a derogation of the biological parents' rights is not realistic. As noted above, California law specifically requires the natural parents to make diligent efforts to obtain reunification with their children; if the problems which necessitated the adjudication of dependency are not sufficiently resolved within one year of the removal of the child from the home, then the juvenile court must make an alternative, permanent plan for the child. Cal. Welf. & Inst. Code §366.25. Similarly, a natural parent who voluntarily places his child in foster care must act diligently to restore the status quo ante; the county welfare departments are required to take affirmative steps to resolve the child's status after only six months of foster care. Cal. Welf. & Inst. Code §16507.6. Thus a foster family's rights to procedural due process will not come into existence until after the natural parents have abdicated their responsibility to the child and necessitated a consideration of the alternatives. In any event, the problem of a conflict of rights can best be resolved by recognizing a hierarchy of rights.

Thus the ultimate question: is a relationship with the form and the function of a biological family entitled to the legal protections granted to a biological family despite the fact that the relationship is entirely a creature of state law? This court concludes that it is. It is artificial to treat a relationship that time and events have transformed into the most profound relationship known to mankind -- mother and child -- as the purely legal relationship it originally was. Reality controls; the emotional sustenance and enrichment, the very sense of self, derived from an intimate relationship with one's parent or one's child cannot be discounted by the niceties of the relationship's creation. In a series of cases decided since Smith v. OFFER, the Supreme Court has made it clear that the touchstone of protectible family rights is not nice legal distinctions or even simple biology, but the reality of family life. Compare Quillion v. Walcott, 434 U.S. 246 (1978) with Caban v. Mohammed, 441 U.S. 380 (1979), and compare Stanley v. Illinois, 405 U.S. 645 (1972) with Lehr v. Robertson, 103 S.Ct. 2985 (1983).

More importantly, however much a foster parent's appreciation of the nature of the relationship can be tutored by the circumstances of its creation, it is obvious that a very young foster child is incapable of knowing that the foster parent - foster child relationship is different from a biological parent-child relationship. No one can caution an infant against loving the individual who provides for all of his needs, physical and emotional; *see generally*, Goldstein, J., *et al.*, *Beyond the Best Interests of the Child* (2d ed. 1979); Bowlby, J. *Attachment & Loss* (1969-1983); Fraiberg, S., *The Magic Years* (1959); no one can instruct the infant foster child that his foster parent is not his real or natural parent; no one can diminish the infant foster child's feelings toward his foster parent and cause them to be distinguished from the feelings of an infant child to his natural parents.

In short, the court concludes that the foster family relationship is sufficiently similar to other familial relationships held by the Supreme Court to be entitled to constitutional protection. The court reaches this conclusion because the foster parent - foster child relationship has precisely the same form and content as a healthy biological parent-child relationship, and in the face of that reality, the circumstances of its creation are immaterial. That being so, before the state or any of its political subdivisions can end the relationship, it must provide the parties with procedural due process.

In reaching this conclusion, this court necessarily rejects the conclusions of the courts in *Kyees v. County Department of Public Welfare*, 600 F.2d 693 (7th Cir. 1979), and *Drummond v. Fulton County*, 563 F.2d 1200 (5th Cir. 1977) (en banc). This court finds those decisions unpersuasive for two reasons. First, in both cases the court found that applicable state law, unlike California law, neither created nor sustained the expectation that a mutually rewarding foster family relationship of sufficient duration would, absent good cause, be permitted to endure. Second, in both cases, the court treated the role of the state in the creation of the relationship as dispositive. This court regards such a conclusion as the product of an "over-reading" of *Smith v. OFFER*. In *Smith v. OFFER* the majority opinion identifies the role of the state in the creation of the relationship as a "consideration," a distinction between biological families and foster families, but not necessarily a dispositive difference. *Smith v. OFFER*, 431 U.S. at 845, *but see id.* at 856-61 (Stewart, J., concurring in the judgment). The majority in *Smith v. OFFER* had no occasion to decide if the distinction was ultimately dispositive, and for reasons fully explicated above, this court has concluded that it ought not be. This court believes that to conclude that the state's role in the creation of the foster family is controlling is to sanction the triumph of form over substance.

IV. THE PROCESS DUE

None of the parties to this action has tendered any arguments on the appropriate scope and form of the process due, but in light of current California law, such an omission need not delay the resolution of this action. Although, as noted above, the current California regulations provide for a comparatively elaborate administrative proceeding to review a county's decision to remove a foster child from his foster home, Cal. Dept. of Social Services Manual §30-378, this court reads California law to confide the duty and authority to determine the plan for a dependent child's future to the juvenile court. Cal. Welf. & Inst. Code §366.25. This court is entirely confident that the Juvenile Court of San Joaquin County, with its expertise in proceedings involving dependent children, is fully capable of providing the plaintiffs herein with the procedural due process to which they are constitutionally entitled.

Although Cal. Welf. & Inst. Code §366.25 establishes only two criteria for the protection of foster families -- substantial psychological ties between the foster parent and the foster child, and the foster parent's willingness and ability to provide the foster child with a stable and permanent home -- this court does not wish to imply that these need be the only considerations before the juvenile court. Had the hearing on the plaintiffs' right to an enduring relationship with each other been held before Jenny was removed from Ms. Brown's home, the situation would be otherwise, but the separation of Jenny and Ms. Brown occurred eighteen months ago. It is possible that the reunification of Jenny with Ms. Brown will be, despite the passage of time, in Jenny's best interests, but it is also possible that subsequent events have made Jenny's present placement the best alternative. In any event, given the present status of the parties, the lodestar for any permanent plan for Jenny is her best interests. The juvenile court is not required to determine who shall have custody of Jenny on the basis of a historical reality but on the basis of present reality.

V. THE INDIVIDUAL DEFENDANTS

On the suggestion of the court made pursuant to Federal Rule of Civil Procedure 16, the plaintiffs amended their complaint to delete their claims against the individual defendants in their individual capacities. The only claims against the individual defendants are asserted against them in their official capacities. However, regardless of the capacity in which the individual defendants are sued, they are not liable to the plaintiffs unless the plaintiffs prove that the individual defendants proximately caused the deprivation of constitutional rights of which the plaintiffs complain. See Monell v. Department of Social Services, 436 U.S. 658, 692 (1978), Harris v. City of Roseburg, 664 F.2d 1121 (9th Cir. 1981).

It is the obligation of the party moving for summary judgment to establish that there are no material issues of fact in dispute. Ayudin Corp. v. Loral Corp., 718 F.2d 897 (9th Cir. 1983), F.R.Civ.P. 56. The plaintiffs herein have utterly failed to show who, if any, of the individual defendants was responsible for the deprivation of the procedural due process to which the plaintiffs were entitled. Similarly, the defendants have utterly failed to show that any of the named individual defendants were not responsible for the plaintiffs' deprivation. Accordingly, both parties' motions for summary judgment with respect to the individual defendants must be denied.

Good cause appearing therefor,

IT IS HEREBY ORDERED that the plaintiffs' motion for summary judgment against the County of San Joaquin and the San Joaquin County Human Services Agency be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that the County of San Joaquin and the San Joaquin County Human Services Agency initiate proceedings pursuant to Cal. Welf. & Inst. Code §366.25 to determine a permanent plan for Jenny, plaintiff herein, wherein Mary Brown, plaintiff herein, will be permitted to show that there are substantial psychological ties between herself and Jenny, that she is able to provide a permanent and stable home for Jenny, and that the reunification of Jenny with her would be in Jenny's best interests. Said proceedings shall be commenced not more than forty-five (45) days and not less than ninety (90) days from the date of this Order. This court strongly urges the Juvenile Court of the County of San Joaquin to appoint Carole Shauffer of the Youth Law Center of San Francisco as counsel for Jenny and further strongly urges the Juvenile Court of the County of San Joaquin to permit Ms. Shauffer to have access to Jenny, so that she may obtain independent expert testimony on the present significance of Jenny's psychological ties to Ms. Brown and on Jenny's best interests.

IT IS FURTHER ORDERED that the plaintiffs' motion for summary judgment with respect to Harry Brodie, Don Pilcher, Joan Glissmayer, Karen Formosa, and Wendy Kersteins is DENIED without prejudice.[20]

IT IS FURTHER ORDERED that the defendants' motion for summary judgment with respect to the individually-named defendants be DENIED without prejudice.

IT IS FURTHER ORDERED that the defendants' motion for summary judgment with respect to the defense of res judicata be DENIED with prejudice.

IT IS FURTHER ORDERED that the preliminary injunction heretofore ordered, enjoining any proceedings to approve the adoption of Jenny, remain in effect until thirty (30) days after the issuance, by the Juvenile Court of the County of San Joaquin, of its order decreeing a permanent plan for Jenny.[21]

IT IS FURTHER ORDERED that the parties to this action inform the court immediately upon the conclusion of the permanency planning hearing, so that the court may then schedule

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[20] In light of the court's ruling, counsel for plaintiff should give serious consideration to the thought of dismissing the individually named defendants sued herein in their official capacity. Dismissal of said parties will permit the immediate entry of final judgment and permit the parties to take whatever appeals they feel appropriate in a timely fashion.

[21] The court reminds counsel that any dissatisfaction with the results of the permanency planning hearing are to be addressed to the California appellate courts rather than this court.

a further status conference with respect to the matters not adjudicated by this Order.

IT IS SO ORDERED.

DATED: January 22, 1985.

RAUL A. RAMIREZ, JUDGE
UNITED STATES DISTRICT COURT

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3770 Columbia Parkway
Decatur, GA. 30034
June 26, 1985

The Honorable Orrin Hatch, Chairman
Senate Committee on Labor and Human Resources
Senate Office Building
Washington, D. C.

Re: Ms. Mary Brown

Dear Senator Hatch:

*Upon reading the article this date in the ATLANTA CONSTITUTION about Ms. Brown' attempt to adopt a biracial child, we feel we must write this committee, and request that this letter be added to the record of the hearing.

In 1966 we decided to adopt a hard to place child. At first we attempted to adopt a child from Viet Nam but at that time it was impossible to do so.

We then applied to the Michigan Department of Social Services. We were approved for adoption, but when we stated that we wanted a biracial child the processing seemed to slow down. We were told that Wayne County (Detroit) did not have any biracial children to be adopted. We were told we were a nice couple, we had a nice home, why did we want to spoil it by taking a biracial child? We were told the mail room had gotten into a disagreement with the rest of the building and had refused to deliver any mail for six weeks. We were told that there might be children who were adoptable in other counties, but the State of Michigan had no inter-departmental communications system. We were told that the judge who had to sign the papers had gone on vacation, and the department would not mail the adoption papers to him for his signature because they did not trust the United States Postal System.

At the end of Two and one-half years, and at the cost of hiring an attorney to threaten them with a law suit, the department located a biracial child for us. She had been put up for adoption at four days of age, and was now just a little over two and one-half years old.

The Honorable Orrin Hatch, Chairman
Senate Committee on Labor and Human Resources

Re: Ms. [illegible] Brown

Our daughter is now nineteen years old, has married, and has a son. She has become a beautiful, mature adult. When we mentioned to her fiancé's parents that she was adopted, they said that didn't matter, it was the person who mattered, and they knew her and loved her.

We had problems raising our daughter as every parent does, but we never felt that she would have been better off in an institution for eighteen years instead of a home atmosphere where she has been able to receive love as well as care, and learn to care as well as give love in return.

We named our child Laura Angelee "the angel that won". We beg you to remove these artificial barriers that prevent biracial adoption, and permit these other children, who need so much and have so little, to become members of a society that accepts all people on merit and not background, and would not deny to any child a home and family freely offered by a loving and caring parent.

You and your committee have the ability and choice to correct this wrong and put these rules away where they belong: with the Dred Scott Decision and the pink birth certificate. You have a chance to make them all winners.

This is certainly an idea whose time must come now.

Thank you.

Very Sincerely Yours,

Robert L Corliss
Robert L. Corliss
Suzanne Corliss
Suzanne Corliss

THE ATLANTA CONSTITUTION, Wed., June 26, 1985 . . . . 8-A

Woman describes fight to adopt biracial child

The Associated Press

WASHINGTON — Her voice cracking with emotion, a white California foster mother described Tuesday her unresolved legal battle to adopt a biracial girl for whom she had cared for more than three years.

"You do not spell 'love' c-o-l-o-r," said Mary Brown, appearing before the Senate Committee on Labor and Human Resources.

Ms. Brown, 50, suppressed tears as she told the panel how "Jenny," now 5½ years old, was removed two years ago from her home in Manteca, Calif., apparently for racial reasons.

Officials in San Joaquin County denied Ms. Brown's petition to adopt "Jenny," for whom she had cared since the little girl was 4 months old, because "their rules are to try to match" adoptive families with children of similar race, she said.

After police officers and social workers seized "Jenny," Ms. Brown testified, the child was shuttled to at least two other foster homes.

Ms. Brown, a divorced woman with two grown children, said local officials informed her she was "bigoted" and "prejudiced" and that it would be detrimental for "Jenny" to stay in the house.

But Ms. Brown, using $130,000 of her own money, took her fight to federal court, which ordered juvenile court officials to review the case. A secret hearing has yet to be concluded.

Regardless of the outcome, Ms. Brown said she hoped the Senate hearings would bring pressure on local welfare officials.

Sen. Orrin Hatch (R-Utah), the panel's chairman, convened the hearings to examine barriers that prevent the adoption of so-called "special needs" children — those who are older, handicapped or members of minority groups.

Some 50,000 "special needs" children remain in the twilight world of foster care because of adoption barriers, he said.

Referring to the case of "Jenny," Sen. Howard Metzenbaum (D-Ohio) said, "I am flabbergasted by the fact there are any racial barriers" to adoption.

Added Hatch: "I hate to say this, but I consider that (removing 'Jenny') almost criminal."

Metzenbaum said he would draw up legislation, which Hatch vowed to support, to strike down any formal or informal bans on cross-racial adoption. At the same time, Hatch said, efforts must be made to recruit more black families to care for black children.

Nancy Taylor, a committee aide, said she was unaware of any states that have official regulations barring cross-racial adoptions; such rules have been struck down by the courts.

Nonetheless, many states follow "social policies" discouraging whites from adopting black children, she said.

The **Chairman**. There ought to be some consistency. I cannot imagine shunting a child through three different foster homes when you love the child, have a good reputation, and want to adopt her. Jenny deserves more than that, it seems to me. You deserve more than that.

Ms. **Brown**. This is why I am fighting, because this is wrong.

The **Chairman**. I hope these hearings bring some pressure on the people out there because to me it is almost criminal, if not criminal.

Ms. **Brown**. These people are all unapproachable. We tried to have the grand jury investigate. They could not touch them because it is confidential. They hide under the guise of confidentiality, so no one is looking into these problems.

My little girl is just one, like a drop in the bucket. There are thousands of children out there that stay within the system. They never get adopted out because their rules are that you try and place these children with their own ethnic background, and there is proof there are not enough families available to take these children, to try and match them up.

They tell you that if these biracial children or a black child is adopted by a white family, that the child is going to be denied its cultural heritage. This is ludicrous.

The **Chairman**. Are there any other documents that you have?

Ms. **Brown**. The Federal court decision.

The **Chairman**. OK.

Ms. **Brown**. There is also a letter from Senator John Garamendi who had helped me a great deal in doing a lot of research that I have here.

There is also a document from Assemblyman Patrick Johnson of California, who has also done a great deal of research here.

This is also a letter from the department of social services that matches these three documents that I have just talked about. And I would like you, Senator Hatch, at your convenience, if you could look at all three documents, which give different figures and different amounts of money. So they are not consistent in their answers, and these were not made by me. These were made by Senator Patrick Johnson, Senator Garamendi, and your own committee, and they are all different.

The **Chairman**. All right. We will put all of those into the record without objection. And we appreciate your bringing them with you.

[Information supplied follows:]

SEAL OF THE SENATE OF THE STATE OF CALIFORNIA

Senator John Garamendi

May 9, 1985

Ms. Mary Brown
1556 Claremont Drive
Manteca, CA 95336

Dear Mary:

You asked for public information on foster care and adoptions.

I secured the following information from the State Department of Social Services.

In November, 1984 there were 23,442 children in family foster homes and 7,256 children in group homes and residential care facilities. The average per child payment for care was $419.99 in family foster homes and $1901.97 in group homes and residential facilities.

The information on adoptions was provided by the State Department of Social Services.

I hope that this is the date you needed to prepare for your testimony.

Sincerely,

Masako Dolan
Senior Consultant

MD:vod

STATE CAPITOL, ROOM 2206, SACRAMENTO 95814 (916) 324-4707
DISTRICT OFFICE, 31 E. CHANNEL STREET, ROOM 440, STOCKTON 95202, (209) 948-7930

STATE OF CALIFORNIA HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES
744 P Street, M.S. 19-31
Sacramento, CA 95814
(916) 445-9124

68

March 12, 1985

The Honorable Patrick Johnston
Assemblyman, 26th District
District Office
31 E. Channel Street, Room 306
Stockton, CA 95202

Dear Assemblyman Johnston:

We informed Ms. Fran Gottlieb of your office that a separate response to your letter dated February 8, 1985, is forthcoming. That letter requested specific information related to foster care. Your letter of February 15, 1985, requested the following adoption information:

1. How many interracial children were available for adoption in California in 1983-84?

   We have presumed that the definition of interracial, in the context of the question, is a child whose birth parents are of different races. The Department's data collection system records ethnicity for children in this population by the following categories: White (not Hispanic), Black (not Hispanic), Hispanic, Asian/Pacific Islander, American Indian/Alaskan Native or Filipino. Ethnicity for the parent(s) is not collected,(therefore information on interracial children is not available.)

2. How many interracial children were adopted in the state during 1983-84?

   Information on ethnicity of the birth parents is collected for this population. This information is derived from a form which displays adoption characteristics. Data from the forms received represent 87.6 percent of all adoptive placements made during Fiscal Year 1983-84. Race of the birth parent was unknown for one or both parent(s) in 7.6 percent of the cases. Therefore, of the 1,903 documents examined, 368 or 19.3 percent had birth parents of different races. (See enclosure.)

Also enclosed are two copies of Adoptions in California, which provide some general information on adoptions.

FY 1983-84 Relinquishment Adoptions*
(Based on AD 42R Form)

[illegible]

Race of Birth Parents		% of Total	Total	County Adoption Agencies	DSS Adoption Offices	Private Adoption Agencies
Both Parents White		47.0	894	669	33	192
Both Parents Hispanic		12.7	242	221	1	20
Both Parents Black		11.2	213	195	1	17
Both Perents Asian		1.6	31	19	-	12
Both Parents American Indian		.6	11	8	2	1
Parents Mixed:	White/Hispanic	8.2	156	117	4	35
	White/Black	6.1	116	96	-	20
	White/Asian	2.0	38	23	-	15
	White/Indian	.7	13	9	1	3
	Other Interracial	2.3	45	37	1	7
	Total Interracial	19.3	368	282	6	80
One Parent Race Unknown		6.3	120	98	2	20
Both Parents Race Unknown		1.3	24	17	1	6
Total		100.0%	1,903	1,509	46	348
Actual # Adoptions (AD 56C) FY 83/4			2,173	1,692	84	397

58
offices
[illegible]
[illegible] 84
children

*Hand tally, not verified.

If you have any questions regarding this information, please call
Mr. Steven C. Bailey, Deputy Director, Office of Legislation, at (916) 445-8956.

Sincerely,

Linda S. McMahon

LINDA S. McMAHON
Director

Enclosures

STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

June 7, 1985

RECEIVED JUN 2 0 [illegible]

The Honorable Orrin G. Hatch
United States Senate
New Senate Office Building
Washington, D.C. 20510

Dear Senator Hatch:

This is in response to your May 9, 1985 letter requesting California foster care and adoptions data for fiscal years 1983 and 1984. This data was requested in connection with hearings scheduled by the U.S. Senate Committee on Labor and Human Resources. For clarity, each of your questions is repeated below, followed by the relevant fiscal year data for California. Fiscal Year 1983 covers the period from July 1, 1982 through June 30, 1983; Fiscal Year 1984 runs from July 1, 1983 through June 30, 1984.

1. How many children were enrolled in foster care programs?

   o Fiscal Year 1983 - 46,615 children were in foster care. 39,743 of these children were funded through the federal and state foster care programs; 6,872 were funded through other sources.

   o Fiscal Year 1984 - 49,410 children were in foster care. 43,656 were funded through the federal and state foster care programs; 5,754 were funded through other sources.

2. How much money was appropriated for each child in the foster care program?

   o Fiscal Year 1983 - Placement costs for children in both the federal and state foster care programs totaled $216,190,201. The average monthly foster care payment was $626.66. (California foster care payments vary based on the child's age and the facility in which he or she is placed.)

   o Fiscal Year 1984 - Placement costs totaled $233,528,225. The average monthly foster care payment was $679.91.

3. How many foster children were available for adoption?

   "Available for adoption" means those children who are totally free for adoption with a case plan goal of adoption, including children supervised by a public or private adoption agency. The figures include all cases which were active at some time during the fiscal year.

- Fiscal Year 1983 - 844 foster care children were available for adoption.
- Fiscal Year 1984 - 977 foster care children were available for adoption.

4. How many children were actually adopted through California's foster care programs?

   - Fiscal Year 1983 - 896 foster care children had their service cases terminated during the year because of adoptive placements with a relative, nonrelative or former foster family.
   - Fiscal Year 1984 - 938 foster care children had their service cases terminated during the year because of adoptive placements with a relative, nonrelative or former foster family.

5. What was the average time of placement for children in California's foster care program in each of these fiscal years?

   - Fiscal Year 1983 - The average time of placement was 29.4 months.
   - Fiscal Year 1984 - The average time of placement was 30.5 months.

6. How many minority children were available for adoption?

   The ethnic background of adoptable children is only available for that portion of the population residing in foster homes. The figures below consequently represent only a percentage of the total children available for adoption.

   - Fiscal Year 1983 - Of the 844 foster care children available for adoption, 371 were minorities.
   - Fiscal Year 1984 - Of the 977 foster care children available for adoption, 461 were minorities.

7(a) How many minority adoptions occurred in each fiscal year?

The statistics listed below include only those cases where the racial background of both parents was known.

- Fiscal Year 1983 - 892, or 49 percent, of the children placed in adoptive homes were of non-white or mixed ethnic origin.

- Fiscal Year 1984 - 725, or 52 percent, of the children placed in adoptive homes were of non-white or mixed ethnic origin.

(b) How many of these were bi-racial?

Bi-racial adoptions are defined as those adoptions where the child is of a different ethnic origin than that of the adoptive parents.

- Fiscal Year 1983 - The attached charts for public and private agencies (Attachment A) contain a detailed breakdown of the ethnic background of the adopted children and the adoptive parents.
- Fiscal Year 1984 - This information is not yet available. However, to allow fiscal year comparisons, we have attached the above-described charts for fiscal years 1981 and 1982 Attachments B and C).

I hope this information is useful. If we can be of any further assistance, please contact Mr. Robert A. Horel, Deputy Director of the Welfare Program Operations Division, at (916) 322-2214.

Sincerely,

Linda S McMahon

LINDA S. McMAHON
Director

Attachments

RELINQUISHMENT ADOPTIONS IN CALIFORNIA

Table 18

Ethnic Origin of Child by Ethnic Origin of Adoptive Parents
Public Agencies

July 1982 - June 1983

Ethnic Origin Of Child	Total	Ethnic Origin of Adoptive Parents									
		Both Parent of Same Race					Parents of Different Races				
		White	Hispanic	Black	Asian	Filipino	Black-White	Hispanic-White	Asian-White	Indian-White	All Others
Total, Children Placed in Adoptive Homes	1,324	825	121	207	5	1	29	86	18	7	25
Racially Unmixed Children	986	670	91	145	4	1	3	51	6	3	12
White	665	633	9	2	1	-	1	13	4	2	-
Hispanic	154	27	80	1	-	-	-	37	-	1	8
Black	149	2	1	142	-	-	2	1	-	-	1
Asian/Pacific Islander	9	2	-	-	3	1	-	-	2	-	1
Filipino	3	-	1	-	-	-	-	-	-	-	2
American Indian	6	6	-	-	-				-	-	-
Racially Mixed Children	326	147	29	62	1	-	26	33	12	3	13
Black-White	71	8	-	36	-	-	21	2		-	4
Hispanic-White	112	68	16			-	-	26	2	-	-
Asian/Pacific Hispanic-White	20	11	1	-	-	-	-	-	7	-	7
American Indian/ Alaskan Native White	3	1	-	-	-	-		-	-	2	-
All Other Mixtures	120	59	12	26	1	-	5	5	3	1	8
Unspecified	12	8	1	-	-	-	-	2	-	1	-

RELINQUISHMENT ADOPTIONS IN CALIFORNIA

Table 19

Ethnic Origin of Child by Ethnic Origin of Adoptive Parents
Private Agencies

July 1982 - June 1983

Ethnic Origin Of Child	Total	Ethnic Origin of Adoptive Parents								
		Both Parent of Same Race					Parents of Different Races			
		White	Hispanic	Black	Asian PI	American Indian	Black-White	Hispanic-White	Asian-White	All Others
Total, Children Placed in Adoptive Homes.....	515	397	16	25	10	1	8	33	14	11
Racially Unmixed Children	392	334	10	19	10	-	2	8	5	6
White..............	264	261	-	-	-	-	-	1	1	1
Hispanic...........	24	5	10	1	-	-	-	7	-	1
Black..............	21	1	-	18	-	-	2	-	-	-
Asian/Pacific Islander..........	81	67	-	-	10	-	-	-	4	-
Filipino...........	4	-	-	-	-	-	-	-	-	4
Racially Mixed Children	115	57	6	6	-	1	6	25	9	5
Black-White........	18	7	-	5	-	-	6	-	-	-
Hispanic-White.....	44	19	4	-	-	-	-	21	-	-
Asian/Pacific Islander-White....	7	3	-	-	-	-	-	1	3	-
American Indian/ Alaskan Native-White..............	8	7	-	-	-	1	-	-	-	-
All Other Mixtures..	38	21	2	1	-	-	-	3	6	5
Unspecified...........	6	6	-	-	-	-	-	-	-	-

ATTACHMENT B

RELINQUISHMENT ADOPTIONS IN CALIFORNIA

Table 18
Ethnic Origin of Child by Ethnic Origin of Adoptive Parents
Public Agencies
July 1980 - June 1981

Ethnic Origin of Child	Total	Ethnic Origin of Adoptive Parents											
		Both Parents of Same Race							Parents of Different Races				
		White	Hispanic	Black	Asian	Filipino	Indian	Unspecified	Black-White	Hispanic-White	Asian-White	Indian-White	All Others
Total, Children Placed in Adoptive Homes..	1,439	834	120	161	7	4	2	-	26	79	12	17	177
Racially Unmixed Children	1,086	675	89	121	4	2	1	-	2	47	3	13	129
White..............	699	613	8	-	1	-	-	-	1	18	2	7	49
Hispanic...........	170	38	80	-	-	-	1	-	-	28	-	5	18
Black..............	183	5	-	117	-	-	-	-	1	-	-	1	59
Asian/Pacific Islander..........	13	8	-	-	3	-	-	-	-	-	1	-	1
Filipino...........	4	2	-	-	-	2	-	-	-	-	-	-	-
American Indian Alaskan Native...	10	7	-	2	-	-	-	-	-	1	-	-	1
Unspecified........	7	2	1	2	-	-	-	-	-	1	-	-	1
Racially Mixed Children	353	159	31	40	3	2	1	-	24	32	9	4	48
Black-White........	81	18	3	22	-	-	-	-	21	-	2	-	15
Hispanic-White.....	97	49	17	-	-	-	-	-	-	24	-	1	6
Asian/Pacific Islander-White...	20	13	-	-	2	1	-	-	-	-	1	-	1
American Indian/ Alaskan Native-White.............	20	18	-	-	-	-	-	-	-	-	-	2	-
All Others.........	135	61	11	18	1	1	1	-	3	8	4	1	26

Table 19
Ethnic Origin of Child by Ethnic Origin of Adoptive Parents
Private Agencies
July 1980 - June 1981

Ethnic Origin Of Child	Total	Ethnic Origin of Adoptive Parents									
		Both Parents of Same Race					Parents of Different Races				
		White	Hispanic	Black	Asian PI	Filipino	Black/ White	Hispanic/ White	Asians/ White	Indian/ White	All Others
Total, Children Placed In Adoptive Homes..	498	360	20	34	10	–	8	29	17	3	17
Racially Unmixed Children	379	306	14	23	6	–	–	12	10	1	7
White.............	280	274	–	–	–	–	–	4	–	–	2
Hispanic..........	24	2	14	–	–	–	–	8	–	–	–
Black.............	25	1	–	23	–	–	–	–	–	–	1
Asian/Pacific Islander.........	38	24	–	–	6	–	–	–	7	1	1
Filipino..........	2	–	–	–	–	–	–	–	–	–	2
American Indian/ Alaskan Native...	2	–	–	–	–	–	–	–	–	1	1
Unspecified.......	8	5	–	–	–	–	–	–	3	–	–
Racially Mixed Children	119	54	6	11	4	–	8	17	7	2	10
Black-White mixtures.........	22	9	–	6	–	–	5	–	–	–	2
Hispanic-White mixtures.........	40	18	5	–	–	–	–	13	2	–	2
Asian/Pacific Islander White mixtures.........	11	4	1	–	2	–	–	–	3	–	1
American Indian/ Alaskan Native-White mixtures...	5	4	–	–	–	–	–	–	–	1	–
All Others........	41	19	–	5	2	–	3	4	2	1	5

ATTACHMENT C

RELINQUISHMENT ADOPTIONS IN CALIFORNIA

Table 18
Ethnic Origin of Child by Ethnic Origin of Adoptive Parents
Public Agencies
July 1981 - June 1982

Ethnic Origin of Child	Total	Ethnic Origin of Adoptive Parents										
		Both Parents of Same Race							Parents of Different Races			
		White	Hispanic	Black	Asian	Filipino	Indian	Unspecified	Black-White	Hispanic-White	Asians-White	Indian-White	All Others
Total, Children Placed in Adoptive Homes..	1,501	824	150	168	4	5	-	1	27	105	20	15	182
Racially Unmixed Children	1,161	696	111	135	3	3	-	1	5	62	8	9	128
White..............	727	638	10	-	-	-	-	-	1	14	3	4	57
Hispanic...........	214	45	96	1	-	-	-	-	-	47	1	4	20
Black..............	194	7	1	133	-	-	-	-	3	-	-	-	50
Asian/Pacific Islander.........	9	1	-	-	3	1	-	-	-	1	3	-	-
Filipino...........	2	-	-	-	-	2	-	-	-	-	-	-	-
American Indian Alaskan Native...	4	2	-	-	-	-	-	1	-	-	-	-	1
Unspecified.......	11	3	4	1	-	-	-	-	1	-	1	1	-
Racially Mixed Children	340	128	39	33	1	2	-	-	22	43	12	6	54
Black-White.......	69	17	-	15	-	-	-	-	19	1	1	-	16
Hispanic-White....	108	51	20	1	-	-	-	-	1	27	2	-	6
Asian/Pacific Islander-White...	22	14	-	1	1	-	-	-	-	-	4	-	2
American Indian/ Alaskan Native-White............	13	9	-	-	-	-	-	-	-	1	-	2	1
All Others.........	128	37	19	16	-	2	-	-	2	14	5	4	29

ATTACHMENT C

RELINQUISHMENT ADOPTIONS IN CALIFORNIA

Table 19
Ethnic Origin of Child by Ethnic Origin of Adoptive Parents
Private Agencies
July 1981 - June 1982

Ethnic Origin Of Child	Total	Ethnic Origin of Adoptive Parents									
		Both Parents of Same Race					Parents of Different Races				
		White	Hispanic	Black	Asian PI	Filipino	Black/ White	Hispanic/ White	Asians/ White	Indian/ White	All Others
Total, Children Placed In Adoptive Homes..	490	354	20	24	10	3	10	43	16	1	9
Racially Unmixed Children	368	304	12	16	8	3	–	9	10	1	5
White.............	263	260	–	–	–	–	–	1	–	–	2
Hispanic..........	25	4	12	–	–	–	–	8	–	–	1
Black.............	16	–	–	16	–	–	–	–	–	–	–
Asian/Pacific Islander.........	58	39	–	–	7	–	–	–	10	1	1
Filipino..........	6	1	–	–	1	3	–	–	–	–	1
American Indian/ Alaskan Native...	–	–	–	–	–	–	–	–	–	–	–
Unspecified.......	–	–	–	–	–	–	–	–	–	–	–
Racially Mixed Children	122	50	8	8	2	–	10	34	6	–	4
Black-White mixtures.........	23	7	–	7	–	–	8	–	–	–	1
Hispanic-White mixtures.........	50	15	5	–	–	–	–	29	–	–	1
Asian/Pacific Islander White mixtures.........	12	4	1	–	1	–	–	–	6	–	–
American Indian/ Alaskan Native- White mixtures...	6	5	–	–	–	–	1	–	–	–	–
All Others........	31	19	2	1	1	–	1	5	–	–	2

The CHAIRMAN. We will now turn to Sandra Ililonga of Detroit, MI, and we are interested in hearing your testimony at this time, Sandra.

Could you pull your mike pretty close? They do not work unless they are really up close.

Ms. ILILONGA. OK.

The CHAIRMAN. That is good.

Ms. ILILONGA. My name is Sandra Lee Ililonga. I was born in Grand Rapids, MI. At the age of nearly 3, I was placed in the Michigan Child Care System for adoption. During my 10-year stay in this system, I lived in 10 different foster homes and in two orphanages. I was adopted at 12½ by my present family. I have spent the last 6 years speaking and teaching about the Michigan Child Care System from the point of view of the child in this system, and that is what I would like to speak about today.

Children in the child care system feel much like the children of divorced parents. However, for the child without either parent, they have the added pressure of knowing that they are all alone. That child has neither a mother nor a father to care what happens to them. As the children get shuffled through the system, they begin to feel that the reason they are not being adopted is that they are bad children and that they do not deserve a family of their own. They build up strong fantasy lives to fortify themselves and to give them a reason to go on living. They dream of things like being the only children of Kings and Queens and superstars who have been stolen from their loving parents. They dream that one day these parents will find them and destroy the horrible people who are keeping them apart.

I am sure this sounds crazy to those of you who grew up with one or both of your parents, but to a child who knows that in reality no one cares, this is a lifesaving fantasy. Ask any child who has no family of its own what they want for Christmas, a birthday, or any special occasion, and I am sure you would get a uniform answer. Parents. Their whole focus becomes the pursuit of a family of their own, often stopping complete strangers and begging them to be their parents.

With me, these patterns continued long after I had an adoptive family. I sized up every adult to decide if they would or would not be good parents. My logic was that since I had lived my life in transit, this new situation would also end up with yet another move to another family. This feeling never really goes away. Other children within the child care system feel the same as I do. If a child is lucky enough to get an adoptive family and have a successful life with them, the feeling of not belonging or just not deserving to be happy stays in their minds. In my case, the feeling extends itself to any situation I find myself in: my work, parenting, and all social relationships. There is always an underlying feeling of not getting too relaxed or letting go. As always, this situation could change at any time.

Very few people who have lived this kind of life are able to talk about it. It is very painful to remember the confusion and pain and self-hatred I had lived with for so long. I feel really lucky. I have learned to focus on my positive attributes and try not to put myself down. And I rely on my parents for emotional support.

One of the reasons I stayed in the system for so long is that I am what is called biracial. I say multiethnic. My birth mother is Dutch, French, German, Irish, and Polish. My birth father is Afro-American and American Indian. The child welfare system determined me to be a black child and stated that I must be placed in a black adoptive home. However, after 10 years of no family wanting me, they settled for a white couple who was interested in giving me a home. That family today has six children. Three of them are white and were born to my parents. The other three are multiethnic and were adopted.

I have not suffered from an identity crisis as a result of living with a white family. Actually I have a very strong sense of my ethnicity due to the efforts of my adoptive parents. They felt it was very important for me to know about all the cultures making up my background. They moved to an ethnically mixed neighborhood and cultivated a close and ethnically diverse circle of friends who were glad to fill me in on anything I could not get directly from my parents. I began to identify myself as a black person, but only because when I was growing up, you had to be either black or white; there was no in-between. Today, I see myself as a woman who is capable of fitting into any ethnic or cultural setting in the world. I personally am very happy that someone finally crossed color lines to adopt me, and I do not feel I have lost anything by being a part of this family.

I do, however, resent the fact that the then used and still practiced policy of color matching prevented me from having a family for 10 long and wasted years of my life. Color matching is a good theory. It is a practice of placing children in homes of like ethnic backgrounds and skin color. However, it is not always a practical one. We do not have enough of the right families to accommodate the needs of our children.

There is also the problem of where to place children like me. The color-match theory would dictate a multiethnic or black/white couple for me, but there is a definite shortage of these couples who are looking to adopt.

In my case, as with other children in this system today, sticking to this policy seems to be more important to agencies and social workers than the lives of the children they are paid to serve.

We live in a country that speaks out strongly, no, vehemently against apartheid in South Africa in one breath and, in the next, practices and supports policies in our own child care systems that are in support of segregation and separatism. Children who grow up in culturally diverse environments grow with a positive attitude about the many ethnic groups and cultures that make up our world. They also develop skills in dealing with racists. It has not been proven that these children have a lower self-image than any other children. What these children do learn is that there are many different people in this world. They do not use ethnicity to judge people. They use individual actions. After all, is that not what this country is supposed to be all about?

[The prepared statement of Ms. Ililonga follows:]

My name is Sandra Lee Ililonga. I was born in Grand Rapids, Michigan. At the age of nearly 3, I was placed in the Michigan Child Care System for adoption. During my 10 year stay in this system, I lived in ten different foster homes and in two orphanages. At the age of 12½ I was adopted by my present family. I have spent the last 6 years of my life working to improve the Child Care System for the children who still, for whatever reason, are seperated from their birth families.

I began this work by guest-speaking to many Foster Parent Education Classes offered through Eastern Michigan University located in Ypsilanti, Michigan. The more involved I became, the more I realized that there are many things that desperately need changing within the system. I became an instructor for Eastern Michigan's program, teaching classes on "Handling Lying, Stealing, and Destructive Behavior". After talking to hundreds of Foster-Parents, I found, to my dismay, that not much had changed since I was in this system (nearly 20 years ago). Some of the very same policies and attitudes that had done serious damage to me were still being used and hurting other children. I then began talking to agencies, conducting workshops, giving interviews to the press and making appearances on radio and several TV talk shows. I wanted to make people aware of the problems in child care from the point of view of the child trapped within the system. I have addressed special interest groups, as well as agency heads. I also spoke at a Regional Conference for Social Workers and Administrators at the invitation of the Head of the Department of Social Services in Lansing, Michigan. My reason for doing all this public speaking is to emphasize the damage current policies have on our children.

There are currently some very racist policies in practice that prevent or delay children placement in nuturing homes in which to grow, in both foster care and in adoptive homes. I believe that one of the reasons I spent 10 years in the system (unnecessarily), was the practice of "color-matching", (a term used to describe the policy currently used, first and foremost, to place children in homes of like-ethnic backgrounds and shades of skin color). This theory of keeping backgrounds identical is probably the most "logical" IF we were able to accommodate all children needing help with families. However, it just doesn't work. The ethnic and skin color matches are not always available. There is also the problem of where to place children like me. My birth mother is a white woman and my birth father is a brown man. The Department of Social Services states that I am to be considered to be a black person. Actually, they say that the "race" of the child of a multi-ethnic background shall be considered the "race" of the non-white parent. The one thing they never took into account is the fact that my great-grandmother was a FULL-BLOODED AMERICAN INDIAN. She was my father's grandmother and therefore, I fail to see how DSS decided that I was to be placed in a black home. My birth mother tried to adopt me after she re-married, but she told me she was denied because she had married a white man and was told I HAD to be placed in a black home. Being very fair-skinned, DSS also had a problem placing me because of "color-matching". There was and still is a definate shortage of multi-ethnic (black/white) homes looking to adopt.

Actually, I would have fit anywhere, but this asinine policy stated that I had to be raised in a black home or else I would never receive an education and exposure to my culture. Therefore I would not be able to cope in the black community, as an adult. THEIR policy became more important than MY well-being and need for a permanent home.

This racist policy continues to be used, its supporters claim it is in the child's best interest. However, hundreds of children continue to live in limbo, shuttled between homes and/or in and out of institutions. The very people who claim to devote themselves to protecting these children from abusive or harmful situations, or are paid to find homes, become the abusers. I say that, if you force a child to be pushed from home to home, when there is a solid, nuturing home willing and available, you are abusing the child - you're denying it the very thing it needs most to grow and become a solid adult.

The flip side of this coin is the fact that there are many couples who have turned to other countries to adopt children. Some of the reasons (they have given me) are that, if the child is not American, it doesn't matter what the potential adoptive parent's ethnic background or skin color. It seems that unless you are born in this country, your ethnic background or color is not a major issue in whether you could be successfully raised in a non-matching adoptive situation. These parents, who have obtained children from other parts of our world, do say that they tried to adopt minority children right here in the United States. They were denied, not because they weren't fit to raise children, but because they were the wrong color.

I recently heard a member of the Black Social Workers' Association try to use the excuse that we live in a racist world, and he feels that we shouldn't use the children to try to solve our problems of racism. What he fails to recognize, is that if a child is raised in a culturally mixed environment, it does not promote racism. It begins to break down barriers and promote understanding between various cultural groups. If we tell our children that it is damaging to them to live in an environment that may be different from the one they were born into, I feel that we are promoting segregation and seperatism (apartheid?) between different ethnic groups. This country claims not to practice or support apartheid, and at the same time, supports policies that are frighteningly similar, when it comes to foster care and adoption.

My adoptive parents are both white and have raised me to be aware of all the cultures and ethnic groups involved in my background. Today, I am very proud to be Afro-American, American Indian, Dutch, French, German, Irish, and Polish. I feel comfortable in any cultural or ethnic situation and have the knowledge and information needed to function within any environment. In turn, my 13 year old daughter who is, in addition to my mixture, also Zambian (Central African) feels that she has benefitted from her exposure to many different cultures. She tells me that understanding brings about understanding and racism only brings more racism.

There are many homes available that are willing to cross color and ethnic lines to adopt children. We should be willing to use these valuable homes for homeless children. These homes are aware that they have the added responsibility of exposing and educating these adopted children about their culture. They also know that they should be allowed to adopt these needy children. I do not feel that crossing color lines to adopt is the answer for every family or child. However, we have some fabulous resources just waiting to be tapped and it's time we used them.

For the sake of the children involved, I beg you to help them realize their goal of a permanent home by laying aside private demons of racism, and making the vitally needed changes in our Child Care System.

The CHAIRMAN. Thank you, Ms. Ililonga.

Let me interrupt my questioning of you for just a second.

Senator Thurmond has to leave shortly. He is the President pro tempore of the Senate today and I would like to afford him a minute or two for comments, if he cares to, before he departs.

Senator THURMOND. Thank you very much, Mr. Chairman.

I want to commend you for your continuing efforts at strengthening the American family by encouraging the building of family ties through adoption.

It is indeed a pleasure to receive testimony this morning on barriers that exist to placing children who are legally free for adoption into permanent homes. In order to remove many of these barriers, concerted efforts must be made in the public and private sectors to increase the level of awareness of these problems, and to encourage the alternative of adoption.

In my home State of South Carolina, progress has been made in this area. The State newspaper in Columbia, SC, in cooperation with government and private adoption agencies, publishes information concerning children with special needs who are seeking adoption. This weekly article, entitled "A Child Is Hoping," is a highly commendable public service, and has achieved great success in placing such children in permanent homes.

In 1984, the South Carolina General Assembly amended the State tax code to provide for a $2,000 deduction to an individual who adopts a special needs child.

Although progress has been made, much more can be done to encourage adoption in this country. The testimony which will be presented today and on July 10, 1985, will focus on numerous problems, including the need for more cooperation in interstate adoptions; the need for recruiting more families to adopt children with special needs; and financial barriers in adopting children with special needs.

Mr. Chairman, as you are aware, legislation is already pending in the Senate which would encourage more adoptions in this country. I refer to S. 856, which you authored. This bill would amend the Internal Revenue Code to allow the deduction of certain expenses incurred by an individual in connection with the adoption of a child. I commend you for introducing this bill, and would appreciate your including me as a cosponsor.

I have often said that the children of our Nation are our greatest resource. These children deserve the opportunity to reach their full capacity in life by having permanent loving homes.

Regrettably, scheduling conflicts prohibit my attendance for the entire hearing today. However, I look forward to reviewing the testimony of these fine witnesses who have given unselfishly of their time to testify on this very important issue.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Chairman, yourself.

Ms. Ililonga, I found your testimony very compelling.

Ms. ILILONGA. Thank you.

The CHAIRMAN. And very interesting.

During your 9 or 10 years in foster care, were you ever a victim of physical abuse?

Ms. ILILONGA. I was a victim of repeated physical and sexual abuse.

The CHAIRMAN. Is that right?

Ms. ILILONGA. With no support from the agency, no parent to go to. I was being sexually abused by a foster father and his oldest son. And in retaliation for seeking help, I was beaten by the mother. That family was very interesting. I was lost in the system for 2 years, which the system did not like to admit, and that was during the time that I lived with this family. That family was not a licensed foster home, you know, nothing to do with foster care. It was actually a relative of theirs that I was given to. They denied it and, unfortunately, we give a lot of weight on what a parent says over what a child says. But I hardly think that a 7-year-old child can make up sodomy, can make up both the physical and the other forms of sexual abuse that were used. Our system abuses kids. It is child abuse when you deny a child what it has a right to.

The CHAIRMAN. Let me ask you this. Have these experiences had a lasting effect on your relationships with families and friends? Could you describe that for us?

Ms. ILIONGA. Yes. They have affected me for life. I will never be able to lay it completely in the past. I have learned to deal with it, because I have had extra supports that I think many children that have come through the system did not have, but it is something that stays with you forever. It affects my lack of confidence in myself, at anything I do, because I had grown for 10 years with the idea that I was a nothing, or a no one, just a number on a social worker's little piece of paper.

[The prepared statement of Mr. Ehlers follows:]

WRITTEN TESTIMONY SUBMITTED TO THE UNITED STATES SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES

by Frank H. Ehlers, M.S.W., ACSW
June 25, 1985

Thank you for this opportunity to testify on the evil of racism in the United States' child care system.

I was born in 1934 in Kalamazoo, Michigan of Dutch-, German- and French-American ancestry. In 1959 I married my wife, Jackie, who was born in Duluth, Minnesota of Russian- and Lithuanian-American ancestry. Jackie and I are now the parents of six (6) children, ranging in age from 31 to 9. Three of these children, ages 23, 12 and 9, were born to us. The others, 31, 25 and 21, were adopted at the ages of 12, 8 and 1, respectively. Our oldest adopted daughter, Sandi, is of Afro-, European- and Native-American ancestry; the second, Rachel, of Afro- and Native-American ancestry;and the third, Sheryl, of Afro- and European-American ancestry, as far as we know. Our adopted children joined our family between 1965 and 1968.

When my wife and I decided to add to our family by adoption, we thought it made good sense to adopt children who were "hard to place"; that is, who had a poorer than average chance of finding a permanent home relatively soon. That decision resulted in the adoption of three girls of various backgrounds described above.

As any caring and concerned parents would do, we assessed the strengths, weaknesses and needs of our children and took steps to maximize their strengths, minimize their weaknesses and meet their needs. One of the areas that we found needed special attention with our adopted children was that of self-acceptance and knowledge of their ancestry. Over time we developed the following approaches to deal with this problem:

1. Talk openly and positively about all of the ancestries of all of the members of the family;
2. Move to an ethnically integrated neighborhood;
3. Obtain books to help teach the children about their various histories and cultures;
4. Make friends with families of their ethnic groups; and
5. Take the whole family to social and cultural events of their ethnic backgrounds.

These approaches seemed to meet the needs of Sheryl, our first adopted child who was 15 months old when she joined our family.

When we next met and adopted Sandi at the age of 12, we observed two deep-seated problems that our other children did not have. First, she was very distrusting of people and found it extremely difficult to form any permanent relationships. This stemmed from her placement in, and removal from, many foster homes (ten by the age of eight). We knew that this problem would take a long time to resolve - and it has. Sandi recently told us that it took her about 10 or 12 years for her to fully accept the fact that our family was her permanent family because all of her previous family placements came to an end at some point.

Sandi's second deep-seated problem was that she identified with, and had an appreciation for, only one part of her ancestry. We had only been told about her Afro- and European-American ancestry, and Sandi had only been informed of her Afro-American ancestry at the age of nine. She had very little self-acceptance or knowledge of her Afro-American heritage.

Since Sandi was quickly passing through the formative years of her life, we had to act fast. We added two more approaches to deal with this problem. We encouraged her to join a Black choir and we took her to hear Black speakers talk about Black pride. Then, as she became older, we encouraged her to use her verbal skills to speak publicly about racism and the damage it does to people.

When our third adopted child, Rachel, joined our family at the age of eight, we found a similar problem with a different twist. According to the information we were given, her birth mother was Native-American and her birth father was Afro-American. She appeared to be accepting of her Afro-American ancestry, but not of her Native-American ancestry. So we used basically the five approaches described above, but focussed on her Native-American ancestry, while reinforcing her knowledge and pride in her Black heritage.

I am happy that, even though two of our children still carry the psychological scars from the damage caused by their spending an unduly long period of time in the child care system in too many temporary homes, all of our grown children feel good about all of their ancestry and are able to mix and relate comfortably with any person or group of people, no matter what their ancestry or culture might be.

Sheryl has grown up to become a self-confident, well adjusted adult who has no difficulty making permanent relationships with people, thanks to her having a permanent, stable family from infancy. The same could have been true today for Sandi and Rachel if social workers had looked for adoptive homes across color lines when they were first available for adoption.

Prospective adoptive parents must be evaluated to determine their parenting capabilities and their attitudes toward other ethnic groups. However, there are many families in the United States who are very able and willing to satisfactorily adopt children of ethnic groups other than their own and who are systematically being denied the opportunity to offer their homes to children who are spending their childhoods in institutions or temporary foster homes.

Twenty-one years after the passage of the United States Civil Rights Act of 1964, we have the ironic situation in which the Federal Government is actively (whether deliberately or not) promoting racism and subsequent psychological destruction of too many of our children by subsidizing child care programs in the various States where racist policies and practices are the order of the day.

You and your Congressional colleagues have it within your power to end these racist policies and practices by making the distribution of monies to States subject to compliance with the U.S. Civil Rights Act, and by denying money to States that do not guarantee every child an equal opportunity to a permanent home and that do not guarantee every prospective adoptive parent an equal opportunity to adopt a child, regardless of the color or ethnic or cultural group of either. I hope that you will exercise that power for the sake of our children.

Frank M. Ehlers

The CHAIRMAN. I want to personally thank you for appearing before our committee.

Let us turn to Senator Metzenbaum, and see if he has any questions.

Senator METZENBAUM. I do have a question. The question relates to myself, not to you, Ms. Ililonga.

I had the impression, prior to this hearing, that the refusal, or the failure to place children on a transracial basis, biracial basis, came about by reasons of peculiarities of some local social workers, perhaps in my community.

I came to this hearing late, but not so late that I have not gotten the full thrust of your comments, and also the thrust of Ms. Brown's comment, indicating a desire, as I understand it, an effort, to adopt a nonwhite child, and being frustrated by the authorities, or the social workers in that connection.

My concern was that I was not aware this is sort of a national policy. I am also informed, although that has not been a concern to me, that the black social workers support that position.

I am so flabbergasted by that fact—not by the fact of the black social workers—but by the fact of there being any racial barriers. Certainly I would not ever think you would make a child placement where the adopting parent was not on a voluntary basis, but that never occurs in adoption cases, anyhow.

I believe this Nation is entitled to legislation that would prohibit, make possible, make illegal discriminatory actions on the basis of race or creed, on the part of any social worker or social agency person, or any other person involved in the adoption process.

I cannot tell you that I have done any research, but I have some feeling that it is even unconstitutional. But whether it is unconstitutional or not, I will find a constitutional way to draft legislation to bar any individual involved in placement from refusing to make that placement by reason of the race or creed of the adopting parent or the child.

I do not know how much support I can get for that position in the U.S. Congress, but I believe that the issue is a strong enough one.

I think your testimony is particularly effective, and I might say that if I thought what happened to you happens to all children who suffer, I would say that you have suffered well, because you——

Ms. ILILONGA. Could I interrupt for just a moment?

What happened to me, I have come to find out, is very mild compared to what other children are going through.

Senator METZENBAUM. I am certain it is, and my guess is you are an unusual human being to rise despite the problems placed in your way. But I do not believe there ought to be any prohibition, that there ought to be any limitation with respect to this matter of placement on a biracial basis. I will seek cosponsors of that legislation, which I am frank to say I do not have drafted, but which I am confident I can draft, and I am confident that it will be drafted in a manner to make it constitutional, because I believe what is occurring at the moment may very well be unconstitutional, but nobody is in a position to make the issue in the courts.

The CHAIRMAN. I might add that last year we had a bill from this committee, which was signed into law, that allowed recruitment of minority families.

I agree with Senator Metzenbaum, that we simply have to do something here.

I want to personally thank you for your testimony. It is very difficult for you, I am sure, but yet it is important for us to be able to look at these matters through the eyes of those who have suffered, or who have gone through such experiences. I am very grateful for all four of you being here today, and I think you have contributed greatly toward our efforts to understand the types of problems and barriers to adoptions that we find in society today.

All of you have been helpful to me personally, and I think you, Senator Metzenbaum, will echo that personally, as well.

Senator METZENBAUM. I certainly do, and I am going to work with you, and hopefully obtain your support as a cosponsor, because with you and I as cosponsors, I think we have a good chance of moving it, because you are so liberal, and I am so conservative. [Laughter.]

The CHAIRMAN. I think he may have got that backward, just a little bit. But I think that is right. These types of issues I think cross the so-called liberal/conservative issues. I find a lot of the issues are blurred in our society.

I just think you have been very helpful to the committee. We appreciate your coming, and appreciate your testimony today, so we will release all of you at this time from the table, and thank you for coming.

We will now turn to our next witness, who is Mr. Glen Hester of Brooklyn, NY. Mr. Hester has provided us with a detailed statement about the psychological damages that a child experiences when he or she languishes too long in a foster care system.

I understand that rather than summarizing the statement, you prefer, Mr. Hester, we develop your statement through questions. So we will, of course, place your entire statement in the record, so all who are interested can read it.

We appreciate your appearing here this morning.

Mr. HESTER. Senator Hatch, I would like to give both you, the Republican Party, and the Democratic Party, a copy of my book. It is called "Child of Rage." It was written by me because of the experiences I had as a very abused child, and how I overcame this, and I am, as they told me, a very successful adult. I did not know this until somebody told me I was a successful adult. I was just working, and paying taxes, and caring for my neighbors, so they told me that is success.

The CHAIRMAN. We are delighted to have them, and we will pay attention to them.

Let me ask you first to give us a brief description of your background as a former foster child in New York City's Child Welfare System.

Mr. HESTER. I grew up in a total of 14 different institutions and foster homes in New York City, in 18 years.

The CHAIRMAN. Fourteen different orphanages and——

Mr. HESTER. Foster homes and institutions, in 18 years. My whole teenage life was growing up in four different mental institutions.

I want to say this right off the top, that there has been a lot of controversy in this country about foster parents. I am who I am today because I had a set of very loving foster parents, who gave me values, and gave me direction, and even though those values were not heard, I have to think that foster parents in this country are some of the greatest resource of people that we have, and we should start focusing on giving them what they need to help children.

The CHAIRMAN. As I understand it, you said you grew up in a total of 14 different orphanages and foster homes, juvenile detention centers and mental institutions. Is that correct?

Mr. HESTER. Correct.

The CHAIRMAN. There were four mental institutions?

Mr. HESTER. Yes, correct.

The CHAIRMAN. Gosh, that is during the first 18 years of your life, from age 2 onward, is that correct?

Mr. HESTER. Correct.

The CHAIRMAN. What administrative attempts were made to place you with a permanent family?

Mr. HESTER. Little, or none. While I was in this foster home, this family was very concerned about my welfare.

The CHAIRMAN. How long were you with that family?

Mr. HESTER. I was with them for 5½ years, from 2 to about 7 years old, going on 8. The foster parents were told that they were good enough to be my foster parents, but they were told that they were too old to be my parents, because they were over 40.

The CHAIRMAN. Would they have liked to have adopted you?

Mr. HESTER. They were trying to make every effort. This agency I was in, Edwin Gould Services for Children, was telling them that they were too old, that we were not available for adoption. They were hoping to reunite us at that time, it was a brother and I together, back with my mother. My mother never came around and visited us, hardly, so they had approached my mother on a private adoption arrangement; and when the agency found out about this, they immediately removed us from the home, and they put into their official records that my foster parents were very physically abusive toward my brother and I, and I do not remember any of this.

So they could put anything in the records they want, and that is their word.

The CHAIRMAN. In other words, in your eyes they falsified the records about your foster parents?

Mr. HESTER. Definitely. I do not remember any abuse.

The CHAIRMAN. OK. Did this agency make any efforts to work with your mother, at that time?

Mr. HESTER. From an adult looking back, my mother—and I do not speak against her, because again, she was a troubled woman. She brought four children into this world by four different men. All these children wound up in the same agency, all of us, in different institutions, and the family was never reunited. So I do not think the agency was ever making any legitimate efforts to get the family reunited.

The Chairman. Did you make an effort to acquire some of your records?

Mr. Hester. Yes, I did. The agency, to this day, has made sure they have blocked every attempt for me to see their official records, but fortunately for me I was able to get some information from my mental health records. The mental health system is more than willing to let a former patient see their records.

It is interesting to note, while I was at the Psychiatric Institute in Columbia Presbyterian Hospital in New York, upon placement there they had evaluated me as a child who had been a victim of long-term child abuse.

So here it is, I am leaving their agency, and I had all the telltale signs of a tremendous amount of physical and sexual abuse.

The Chairman. From other foster families, and other institutions, outside of the one you were in?

Mr. Hester. All my physical and sexual abuse I basically contribute to being in an orphanage setting. People who were hired to protect me were abusing me.

The Chairman. I also believe you found that during all this time, when they said you were not available for adoption, they told your foster parents, whom you wanted to be adopted by, and who were over 40 years of age, that they could not adopt you. However, your records showed that you were available for adoption during all this time, is that right?

Mr. Hester. When you go through all the old records, you find pieces of things, and there was a statement in my mental health record that according to child welfare, which was running my life all that time, I was being made available, or I was available for adoption. So I am only getting pieces of information.

But the statement there was being made, or was made available for adoption. So it reflected that somebody knew about what was going on, but everybody was denying it. And one of the concerns that I have is I think we have too many private agencies in New York. The reimbursement rate is so high, and as long as these children are in foster care they are not going to get these kids adopted. [Applause.]

The Chairman. Why did the agency deny the adoption, your adoption? In your opinion, was it the 40-year-old thing?

Mr. Hester. I think basically that the—I meant a category, in which I fell, that a lot of children fall under. My father had committed suicide. He was married to someone else. My mother had brought a number of illegitimate children into the world, so I had a very unstable birth family, and because I had no real relatives to take responsibility for me, I sort of could be totally dependent on the State.

And because the State has to reimburse these agencies at such a rate, I became a guaranteed institutional child. By the way, I only have, according to their records, an 80 IQ. I also have a—I have physical disabilities, and severe emotional disabilities. So, again, you put labels on children to make them appear unadoptable. And nobody is going to check the label. Only what is in the record is going to be believed. Nobody looks at the kid. They only look at the record.

The **Chairman**. You certainly have much more than an 80 IQ.

Mr. **Hester**. You get smart all of a sudden, when you turn 18. [Laughter.]

The **Chairman**. I see. Are there statistics available to indicate whether children are spending more time in foster care and institutions than is necessary?

Mr. **Hester**. Yes. According to the Citizens Committee for Children in New York City, they did an independent study, and they found that in New York City children stay in foster care, in the New York area, 4 to 7 years longer then they need to.

Let me clarify that, how that was done. If a child—the average stay for the child in the New York City system is around 3½ years. So if you place a child in foster care at 4, 5 years old, and he goes into foster care for 4 years, and then he stays from 4 to 7 years longer than he needs to, this 5-year-old child winds up in foster care for 11 more years, and who wants to adopt a 16–17-year-old child who has had some serious problems?

So, again, what is the purpose of foster care? To me it is crisis-care intervention, not a dumping ground.

The **Chairman**. It is my understanding that this citizens' committee found that a child may be worth as much as $25,000 a year in Government support to any particular agency.

Mr. **Hester**. It is a scaling rate, where if the child is perfectly normal, you get normal rates. But then the more problems you add on to the child, the more money you need to cure that child—they immediately find a lot of problems with these kids.

The **Chairman**. You indicated, during your 18 years in New York's child care system, that you suffered many instances of child abuse. Could you describe that for us, and tell us how they occured?

Mr. **Hester**. When I was with——

The **Chairman**. Was this after you left the foster care home you were in for 5½ years?

Mr. **Hester**. Yes, I left that one. I went into another foster home, which was an unstable home. But then, when I was placed in Lakeside School in Spring Valley, NY——

The **Chairman**. This is an institution?

Mr. **Hester**. That is a private run agency that is Government reimbursed. And I say this with difficulty, because, again, it is very—well, I am still dealing with it in my own personal life.

I went through several years of a tremendous amount of physical and sexual abuse as a small child. The sexual abuse, meaning that my body was used for the personal gratification of an adult.

And if any of you know what a 10-year-old boy looks like, and to be sexually assaulted, and then that child is asking for help, and people who you have asked for help say it never happened, never checking physically, or checking psychologically, that it was happening, saying, Glenn, you are making this stuff up, and then being punished for it, you have got a very dangerous child on your hands, when he becomes a teenager, and that is why I wound up in the mental institutions.

The CHAIRMAN. You were, from this particular institution, placed in another foster home for 14 months. Would you describe that?

Mr. HESTER. I was in one foster home again. The foster mother, I think, was a very concerned and loving woman. She had emotional problems, but I am just concerned who did the evaluation of the home, because the foster father was a chronic alcoholic, and I received a lot of physical abuse from him. So, who is doing the evaluations in this home?

The CHAIRMAN. I think you told our investigators that you remember being punished for weeks on end, for just minor infractions of the foster mother's authority?

Mr. HESTER. This again is because she had to deal with the emotional problems of her husband, her own emotional problems, and then she was just overloaded by having emotionally troubled foster children in her home.

Again, it was a family that should never have had foster children, to begin with.

The CHAIRMAN. Did the agency realize what was going on there? What did they do?

Mr. HESTER. Yes, again, after they saw all the telltale signs, then they took us out and put us in the institution. But, again——

The CHAIRMAN. Was this an orphanage they put you into?

Mr. HESTER. Yes. This is like an orphanage, institutional setting, over 200 children there.

The CHAIRMAN. How did you feel at that time, and what happened there?

Mr. HESTER. I did not want to be at Lakeside. I remembered the abuse that I had in the past. You are isolated from the public. You go to school on the property. You have no outside contacts, whatsoever. So the isolation and the regimentation, you are totally stripped of any independent attitudes. You have to conform to their will and thinking.

The CHAIRMAN. There was an incident that occurred when you were 9 years old. Could you describe that for us?

Mr. HESTER. Well, the incident was where, again, there was sexual abuse, but what really hurt, I think, was in a situation where you tell a psychologist, who is on the property what is going on, and he denies that it was ever happening, and yet this same person commits suicide, right on the very same property, you begin to question who was in charge. So you really feel a sense of total helplessness.

This is what happens to a lot of these children. They are caught up in a sense of helplessness.

The CHAIRMAN. You say this particular foster father physically and sexually abused you, at age 9?

Mr. HESTER. Correct.

The CHAIRMAN. And actually crawled into bed with you on occasion?

Mr. HESTER. Correct.

The CHAIRMAN. And how did you feel? If I recall, you told our investigators that you felt frightened, scared to death. And that you were scared for your life. Describe that for us?

Mr. HESTER. I think the real fear is you have to submit, because you are told if we are your bread and butter, we decide whether you live or die, and when you are 8 or 9 years old, where do you go. You know the reality. I knew the facts of life very quickly.

The CHAIRMAN. How did they threaten you?

Mr. HESTER. First it was—it was that he came to me in a very nice, loving manner, and that is this manipulation. But then when I was threatening to tell, then it was going to cost me my life, or that I could be denied food, or I could be cut up, I could be flushed down the toilet. I could be living on the streets, and I should be grateful that they were there to protect me.

The CHAIRMAN. So ultimately you did get enough courge to tell the psychologist what was going on?

Mr. HESTER. Again, it was to no benefit.

The CHAIRMAN. What did he do?

Mr. HESTER. Nothing. He said I was making the whole thing up.

The CHAIRMAN. You had imagined the whole thing?

Mr. HESTER. Yes.

The CHAIRMAN. How did you respond to outside pressures following your release from the Child Welfare System?

Mr. HESTER. The last institution I was in, I wound up at 17 years old in a mental institution for the criminally insane, because I had shot and stabbed two people, again in my rage, and my just anger toward anybody in authority. It is ironic that at 18, a year later, I was drafted and sent to Vietnam, and in Vietnam they only taught me only one thing, to kill your enemies, and in this country I had a lot of enemies to get even with, and I wound up in and out of a lot of trouble in this country.

I do not mind saying, and I am talking about my past, I wound up getting arrested 12 years ago by the FBI for an extortion and attempted murder charge, and it all had to do with—all my life based on revenge. If you were my friend, you were my best friend. But if you became my enemy, you were my worst enemy.

The CHAIRMAN. Just to kind of summarize, as I understand, you were sent at one time to Columbia Presbyterian Psychiatric Institute.

Mr. HESTER. Correct.

The CHAIRMAN. While you were at the juvenile detention center, which is run by the city of New York, you were sexually assaulted by a guard?

Mr. HESTER. An attempt was made, but by this time I was a very strong, aggressive teenager. So, again, as a small child, at 8 years old, I could be bounced around, but as a teenager, I all of a sudden filled out, very quickly, and I could take on the best of them, and there was no fear in my life. I was not afraid. The guy could be twice my size, and I would take him on.

The CHAIRMAN. So you fought back with this guard, and you broke a chair over his back?

Mr. HESTER. Yes.

The CHAIRMAN. After that incident you were committed to the Columbia Presbyterian Medical Center Psychiatric Institute, is that correct?

Mr. HESTER. Correct.

The **Chairman**. And they diagnosed, or evaluated you as a child who suffered from long-term child abuse. Am I correct on that?

Mr. **Hester**. Correct. I would like to point out, in a sense, just dollarwise, that I wound up, again in 17 years, 14 different placements, and we are talking about 1950 and 1960 dollars. This Government spent $250,000 on me, and all they got in return was a boy with less than a 10th grade education, emotionally disturbed, and on his way possibly to the penitentiary.

I also want to point out that according to the National Prison Project here in Washington, that 90 percent of all the men that are in prison today grew up in some type of foster care or institutions as children, and were all victims of child abuse.

The **Chairman**. You told our investigators, as a teenager you had gone through many years as a victim of child abuse, and then you said that if you were someone's friend, you were their best friend, do you remember that?

Mr. **Hester**. Correct.

The **Chairman**. But if you were someone's enemy, you were their worst enemy.

Mr. **Hester**. Correct.

The **Chairman**. At one time you even wound up in several mental institutions, which you have described, then at 17 you were admitted to an institution for the criminally insane. Why was that?

Mr. **Hester**. Again, I had gotten into a fight with an adult, and when he assaulted me, I used a knife on him, and in bizarre behavior I also had shot at two people with a high-powered B-B rifle. But, again, this is a teenager who was totally distorted in what life was supposed to be about.

The **Chairman**. There are a lot of other facts I could go into, because you had a very, very difficult life up to 18, but let me just switch for a second here.

At what point in your life did you begin to divorce yourself from the unhappy childhood, and strive toward building a more positive future. This shows up in your book, "Child of Rage," which was nominated by the Christian Review as the best biographical book of the year.

Tell us at what point you began to think this may——

Mr. **Hester**. When I turned 25 I had an encounter with a family that taught me values, and reminded me of values, of what it is to forgive people, and resolve problems. In this day, where there is a tremendous amount of controversy of what religion is about, I want to say that I am a born again Christian, and if it were not for my faith in God and in Jesus Christ, I would not be here today, because I have learned to forgive the past.

I tease everybody, when I learned to forgive somebody, I did not like social workers, and I even married a social worker. [Laughter.]

So that is the ultimate of forgiveness, and my wife is a very beautiful woman, too.

The **Chairman**. She must be. [Laughter.]

You got into this situation, where you got with some people who taught you values, you said?

Mr. **Hester**. Yes.

The **Chairman**. Taught you the principle of forgiveness.

Mr. **Hester**. You see, one thing I can say, with all the emotional disturbance in my life, my foster parents, when I was young, they taught me the difference between right and wrong. So I knew my behavior was wrong, but I did not know how to deal with it, or get over it, because, again, there was a tremendous amount of abuse in my life.

But one of the things that this family, as an adult, told me, you can choose your destiny, you can resolve things, and one of the things is I have resolved the past.

The **Chairman**. As I understand it, from the career goals standpoint you finished high school, is that correct?

Mr. **Hester**. Correct.

The **Chairman**. Then you went on to college, graduated from five technical schools, and you have what is called a stationery engineer's license, am I right?

Mr. **Hester**. Correct. Not only that, I had a book written about me, and I live in New York City, but I want to say one thing.

In the great State of New Jersey the Division of Youth and Family Services, Mr. Tom Blatner, read my book and recruited me to come and work for their agency, to be a consultant to them, to help recruit and train foster parents, because he felt that some of these foster parents needed to be hearing from former foster children.

I have to say one thing. New Jersey has got its problems, but New Jersey is opening the door for some fantastic change. So I have to say one thing. New Jersey is one of the very few States in this country that is trying to make some good progress.

The **Chairman**. What do you find is the most significant problem in most foster child care programs and institutions?

Mr. **Hester**. I think the really big problem is they do not look at the rights of children. As an individual I am a tremendous respecter of parental rights. I feel parents have a right to keep their children, and resources should be put into the home whenever needed, to protect the family. But, at the same time, I think this country really lacks the vision that children have a right to be parented, and that when we have families who will not take responsibility for their children, then the child has a right to be parented by someone else.

The **Chairman**. I see. What recommendations do you have that you would make to improve the Child Welfare System?

Mr. **Hester**. I think there are a lot of different problems, and there is no one key answer. But I think one of the things—I think the community itself is going to have to start taking responsibility for its children within its community, and that there are a multitude of agencies that are going to have to start working together in order to develop some goals in how we are going to get these children out of the system and into a permanent home, in the shortest time possible.

The **Chairman**. Thank you.

I am going to put into the record right now, without objection, a document entitled "Adoption Notes," which you have helped to prepare, and an article entitled "Benevolent Child Bureaucracy: An Inquiry by Diane Bauer." I think you wanted these in the record.

Mr. HESTER. I am not sure that is mine or not. I apologize.

The CHAIRMAN. This is the National Prison study, I am sorry.

Mr. HESTER. I also would like to give——

The CHAIRMAN. Without objection, we will place those in the record.

Mr. HESTER. I also would like to give a couple of copies of a newsletter. I founded the National Association of Former Foster Children, because I am speaking out as a former foster child, that we need to start drawing concerns, and in these newsletters it talks about some real issues that we need to start seeing some accountability on by professional agencies.

The CHAIRMAN. Thank you very much.

[The documents referred to follow:]

ADOPTION NOTES -

The following is a compilization of several research notes taken on materials gathered in our investigation on "barriers to special needs adoption":

THE FOSTER CARE EXIT - READY OR NOT: An Inquiry Into How New York City Prepares Children In Foster Care For Discharge To Independent Living. Citizens' Committee For Children of New York Inc. (212/673-1800)

Study focused on youngsters in care who had the discharge goal of independent living.

Gathered info. from case records, interviewed adolescents, their social workers, and met with agency directors and personnel.

Any given day there are some 5,000 children in foster care in NYC who have been assigned the goal of discharge to independent living - theses are chidlren who, presumabley, will not be returning to their families and will not be adopted. Soemtime between their 18th and 21st birthday they will leave foster care to est. their own independent lives.

Percentage of children who have been assigned this goal has increased from 21% (1978) to 28% (1983).

Req. of program: Youngster must be 14 years of age or older. Those under 14 years of age, an exception to policy is required.

Children who have been assigned the goal of independent living ranged in age from 4 to 20 in April, 1983.

Reasons for assigning this goal: Child is to old for adoption, foster parents do not wnat to adopt the child, parent-child conflict, child's behavior/mental health/physical condition, inability of biological/step family to properly care for the child, etc.

In some cases unable to determine actual date on which the court declared them free for adoption. Three-forths (208 cases) of the free children have been in care 10 years or longer (records lack documentation).

9/208 assigned goal (under age of 14) of indep. living - couldn't understand why. (for 2 children indep. living was the only goal ever assigned).

In spring of 1983, when inquiry began, there were 18,000 NYC children in foster care. 30% or 5,000 were assigned the goal of indep. living - expected to stay in foster care until they are age 18 to 21.

Statistics: Only slightly over half of younsters are receiving tutoring or remedial help to improve their educational skills. About one-third are receiving professional mental health services. Less than half have frequent regular contact with family. One-thire well prepared for independent living based on our interviews, one-third were not prepared yet, and the other one third would experience difficulty in living on their own. Problems: youngsters educational deficits, inadequate job and life skill training, attitude, behavior, and motivation for indep. living.

Task Force Conclusion: No comprehensive, coordinated program for preparing the NYC youngsters in foster care to live independently upon discharge from care. Lof ot hit or miss attempts to help these youth acquire needed skills, sense of self, no clear definition of requirements or purpose that is needed to have a strong program of preparation for independent living.

(NOTE: Due to printing limitations and in the interest of economy, certain other documents supplied by Mr. Hester were in the Committee files.)

NAFFC NEWSLETTER

NATIONAL ASSOCIATION OF FORMER FOSTER CHILDREN, INC. June 1985

Teen-Ager's Suicide Points to Lost Generation in Foster Care

By JAMES BARRON

Special to The New York Times

DAYTON, Ohio — When Rickie Warner, a tall and temperamental 14-year-old, moved in with Linda and Ron Decker last summer, he entered his 32d foster home in nine years. It turned out to be his last.

On Feb. 3, an hour after he was arrested for stealing four cassette tapes from a supermarket, he ran away. Six days later, under a bridge not far from the Decker home, Rickie killed himself with a .22-caliber revolver that Mrs. Decker says he took from the family's gun cabinet.

"I think he just felt his world was caving in," Larry Chambers, a Montgomery County coroner's investigator, said.

Nationwide, there are 130,000 to 200,000 adolescents like Rickie Warner, representing about half the total foster-care population, by some estimates. Child welfare experts call them the lost generation of the 1980's, youngsters who are repeatedly passed over for adoption and drift from one foster home to another.

And in a process social workers refer to as "aging out," they leave the social service system as they become adults, generally at the age of 18, often with intense feelings of rejection.

'Throwaways,' Crisis Center Chief Says

Officials say these adolescents, like handicapped youngsters, are unlikely to be adopted. In part, this is because they are no longer the cute infants most parents want. In addition, most foster care programs offer financial incentives that discourage adoption. They receive neither the psychological counseling they need to rejoin their own families nor the emotional support they need to survive on their own as adults.

"They're throwaways," said Tom Patania, executive director of the Youth Crisis Center in Jacksonville, Fla. "These kids are rejected by their natural parents, rejected by their foster parents and rejected by state systems."

In foster care programs that are overloaded, some adolescents become "status offenders," a term that covers noncriminal infractions such as truancy. Or they resort to petty theft, drug dealing or prostitution. Or, although there are no national statistics on the subject, they consider suicide.

"It's not unique to Miami County, it's not unique to Ohio, it's not unique to the Midwest," said James Vetter, head of the Miami County Child Services Board, north of here, the agency in charge of Rickie Warner's case.

From 1977 to 1982, according to the Department of Health and Human Services, the average stay in foster care dropped from 47 to 35 months. And the percentage of those in foster care for more than two years declined from 58 percent to 47 percent, although the figures vary widely from state to state.

To find permanent homes for these youngsters who are hard to place, the department is financing the National Adoption Exchange, a pilot program in Philadelphia.

In New York City, where some 16,000 children are in foster care, the largest such caseload in the nation, officials of the Human Resources Administration say they cut the average stay from 2.3 years in 1983 to 2.1 years in 1984.

But some critics say these efforts still leave too many adolescents in foster care for too long. The Citizens' Committee for Children of New York, for example, said last year that about a third of the adolescents nearing release from foster care at age 18 did not have the schooling, job training or skills to shop, cook, pay bills and find an apartment once they were on their own.

Continued on page 9.

New York Times, March 4, 1985

'CITY & STATE KICK FOSTER KIDS ONTO STREET'

By HAL DAVIS

THOUSANDS of teenagers are being kicked out of foster-care homes and onto the city's streets each year, the Coalition for the Homeless charged yesterday.

A class action suit filed by the group in Manhattan Supreme Court claims that 8000 will meet that fate this year alone when they turn 18.

The coalition's suit seeks to force both the city and the state to continue providing housing, job training and food for foster-care youths until they are 21.

Judge Jawn Sandifer ordered city and state officials to respond to the suit, which names Gov. Cuomo and Mayor Koch as respondents, by Feb. 8.

Current law allows the city and state to maintain foster care until age 21, but traditionally it has been cut off at age 18 — in many cases forcing the youths onto the streets.

The suit describes several case histories:

- William Palmer, kicked out of Holland House in The Bronx when he turned 18.

"I have lived on the streets" and slept in "movie theaters, the Port Authority terminal, and in the hallways and on the stairs of tenement buildings," often going hungry, he said in a deposition.

- Reginald Brown, kicked out of Pyramid House in Brooklyn when he turned 18, and who now sleeps in the subways.

"The day I left I was told to go to a men's shelter because I had nowhere else to go," he said. "When I arrived at the men's shelter I was not permitted to stay because I was too young."

Each year thousands of youths are "unlawfully discharged" from foster homes, said Lauretta Murdock, a lawyer for the coalition.

City and state officials had no immediate response to the suit.

Those eligible for foster care include youths abandoned by their parents and those whose parents have been declared "unfit" by a court.

New York Post,
January 31, 1985

EDITORIAL

The two articles on the front page of the first issue of our NAFFC Newsletter illustrate well the reasons for the existence of the National Association of Former Foster Children. How can things like this happen? How can it be possible in this country with all the educational and therapeutic resources available to agencies that a child such as fourteen-year-old Rickie Warner be allowed to drift in and out of thirty-two foster homes in nine years! Who was looking out for this child's interests? Obviously not the Miami County Ohio Child Services Board, the agency in charge of Rickie's case.

This child had been placed at age five in foster care and had to deal with being rejected thirty-two times. His self image became so warped that he reached the point where the only peace he could find from his inner torment was from the barrel of a loaded gun. If America considers its children to be its greatest resource, then we should hang our heads in shame for allowing a situation like this to even exist, let alone to continue for so long.

The problems that were mentioned in the article, "City and State Kick Foster Kids onto the Streets", are not unique to the City of New York, but occur all over the country. Children who have been left to linger in foster care for ten years or more without a permanent plan or home are now being phase out of the system when the reach the magical age of eighteen. Ready or not, they are expected to be self-supporting without having been given any proper job training skills, and there are few, if any, community supports to assist them in becoming self-sufficient. This is why 90% of all the men that are in prison today grew up in some type of foster care or institution, and were victims of child abuse. This was reported in a study by the National Prison Project, Washington, D.C. These children have been done a great disservice at the tax payers' expense. These children have not graduated from the "system", they've been kicked out.

Because of the incidents mentioned in these two articles as well as numerous other incidents, the NAFFC is determined now more than ever to work toward informing the public of the needs of children now in foster care and institutional settings. With community support, the NAFFC will assist in finding solutions that will give hope to those who are without hope.

When a child has been placed in foster care, it is usually because the point has been reached where the child's parents cannot or will not take the responsibility to keep the family together; the family is in a crisis situation. Since this family is in crisis, it is the duty of the agency that has been given the responsibility by the community to address the family's needs. These families must have a "crisis care team" available to them in order to meet their needs. The crisis team should consist of: (1) a well trained and informed social work staff that knows what services are available and how to utilize these services in developing a plan to work toward the reunification of the family as soon as possible; (2) a well trained foster parent team that will not only protect the interests and needs of the child, but also work in close contact with the natural parent so that not just the child but the whole family will be working together to solve the problems that put them in crises; and (3) a family therapist, not just a child therapist. The whole family, and not just the child, needs to be counseled. Whenever possible the family must be taught to solve their problems together. It also may be very helpful in some cases when the natural parent does not wish to be supportive of the child who is going into therapy, for the foster parent to go with the child to give them the emotional support that is often needed in a time when a child interprets therapy as both a threatening as well as a frightening experience.

The most important issue at hand is that the natural parent participate with the crisis team as a team member, for it is not just the responsibility of the crisis team to work toward reuniting the family; that same responsibility also lies with the child's parents. If the natural parent will not make a legimate effort toward reunifing the family, then it is the responsibility of the crisis team to work toward the goal of getting these children adopted or in permanent placement in the shortest time possible. If the crisis team allows these children to linger in foster care, then all they have done is provide a free babysetting service for irresponsible parents at the tax payers expense. When the crisis team fails in providing a permanent environment in which the foster child can grow, it not only has failed in its community responsibilities, but also has injected into the child a personal sense of failure.

Continued on page 8.

THE CHANGING ROLE OF FOSTER PARENTS

My husband and I have been foster parents for almost 12 years, 10 in Ohio and almost 2 in New Jersey. We have cared for about 15 babies and young children.

Over the years we have seen a change in the foster care system and in ourselves. I know I have certainly changed. When we got into foster care I had never even heard of it. We learned about foster care when we inquired at a public agency about adoption. When I told them we had a child and were physically able to have more, they said there were no children available; how about foster care. They explained a little about it and I said we would try it.

We went to pre-service classes and finally we got our first child. At that time we knew very little about the case and never had contact with the birth parents. The child stayed nine months and went home with no questions asked. A few more children came and went with no questions on our part.

About a year later, we became involved in organizing a foster parent group because we felt that foster parents needed more support for the job they were doing. We began to talk to others and got to know more people at the agency. We began to understand a little more of how the agency worked, or didn't work. We got a little girl who had a long court battle and learned more about the system and all of the holdups. We really began to ask more questions and would not accept no for an answer if it did not seem to be in the best interest of the child.

We have always taken all of the training that has been offered to foster parents and been involved on the local, state and national level. Through all of this I have learned much about child care, how the agencies work and certainly how to be assertive. I really enjoy what I do and love working with other foster parents and with the agency to help move the children through as quickly as possible. Lately I find the agency to be very open to listening to what I have to say about the case, but it still takes too much time for the wheels of progress to turn.

I see some very positive things happening between the agency and foster parents. Training for foster parents is, of course, one of them. To make more placements work and to retain foster parents I really think training is necessary. Some of us haven't even had the chance to experiment on our own children and then are asked to take on a child that has a built-in set of problems. This is in addition to the stress you put on your own household by just bringing in an-

Continued on page 8.

NAFFC MEMBERSHIP

Since our initial mailing in March, both membership and sponsors are increasing daily. We find the response exciting and challenging. Contributions to the Scholarship Fund are also beginning to come in. As future Newsletters will only go to members and sponsors, we encourage you to send in your check right away. NAFFC members are former foster or other out-of-home-care children. Our sponsors are any interested persons or organizations. We would also ask you to help us by spreading the word to others who might be interested in our organization. The registration form for joining may be duplicated. The more members and sponsors we have, the better we can carry out our goals.

PANIC! PANIC! PANIC! PANIC!

The NAFFC would like to incite PANIC -- People Against the Needless Institutionalization of Children. Children raised in institutions often spend the rest of their lives in institutions. Children don't need institutions; children need homes, and they need families. They need to witness family life, rather than conforming to the rules of an institution. Help us spread PANIC throughout the country. Let's work to stamp out needless institutionalization!

PANIC! PANIC! PANIC! PANIC!

PRIORITIES FOR MEETING NEEDS OF CHILDREN

As an agency worker, I believe that not only agencies, but communities, must be educated to see and meet what I consider to be the very real needs of children. Our priorities, I feel, must not be what we see as being economically beneficial to anyone, or what we see through "middle class eyes" as being "the best possible environment for a child to grow up in", but what is real and solid and secure -- permanency. As a matter of fact, if you really examine the issue, what is "economically beneficial" about years of foster care and many moves -- perhaps even moves to welfare or adult prison facilities? There have to be better answers -- better ways -- we are wasting too many human resources.

Our first response, I believe, must be to put as many resources as possible into keeping families together -- to provide supportive services, including financial help, homemaker services, respite care, supportive "grandparents" (retired persons), family-to-family help (buddy families), relative support and intervention, etc. I am convinced that supportive services, based on a concentration of well-supervised interventions, can make a difference, sometimes at VERY LITTLE cost, for a good percentage (perhaps as high as 1/2) of the children initially coming into foster care.

Our second response must be short-term foster or respite care with either foster parents or other adoptive parents, by plan that includes the birth parents and/or court advocates, working toward adoption -- a permanent parent-child relationship for the children. This might include open adoptions, in many cases, as a way of achieving permanence while still establishing some parental or relative contact which might well provide an even greater degree of stability for the child. In all of these contacts, it must be emphasized that no one owns the child. Parenthood can be shared among individual adults who truly care about this child's emotional stability. Children cannot be pawns of either selfish adults or the system. We must all work together to assure the greatest degree of permanency possible at the youngest age possible.

Then, and only then, I am convinced, will we be able to make a dent in the number of foster children growing up in the system.

Mrs. Barbara T. Tremitiere, ACSW
Director, Adoption Services
Tressler-Lutheran Service Associates, Inc.
York, Pennsylvania
717/845-9113

CALLING ALL FORMER FOSTER CHILDREN!

One of the primary goals of the NAFFC is to create a network of former foster children as a self-help group. There are many former foster children who never had a permanent home while growing up. There are also many adults who [illegible] years of abuse growing up in institutions. A network of such people [illegible] opportunity for adults to [illegible] problems they are struggling through as a result of their childhood with others who have had similar experiences.

Many times when dealing with the pain of the past, well-meaning advisors tell us to forget the past and get on with our lives. One can never forget the past, but one can learn to recognize our problems for what they are, forgive those who have wronged us and thereby resolve our past, and then move forward to a renewed life. This process would be greatly aided by a national network of former foster children with chapters throughout the country. If you know of any former foster children, please urge them to contact the NAFFC.

THE ROLE OF THERAPY IN FOSTER CARE

Foster families present unique treatment challenges to mental health professionals. Foster care itself is complex and often misunderstood. Mental health professionals are accustomed to treating families who have always lived together and therefore the problems of the children are often interrelated with those of their families. This perspective of family interaction can cause problems when dealing with foster families.

Professional treatment for foster families and children is more likely to be of benefit if there are special programs where foster care issues are understood, such as those which take into account the effects of past experiences of foster children on their new families. Families can then find direct, well-informed assistance. Foster families must not be treated as if they are personally responsible for the problems of their foster children. They must also not be advised to return the child to the agency as a first resort.

Families are themselves therapeutic environments -- flexible, resourceful, tolerant, therapeutic institutions in which children have an opportunity for healthy development and growth. Foster families do need on-going support, crisis intervention and access to psychological services from time to time, because they often care for children who have remembered histories of neglect, abuse, and/or abandonment.

Older children come from environments ranging from unsettled to brutal in their own home and in other placements. They rely on their own resources for protection. They are skilled in keeping themselves from being harmed and rejected and are able to test the most vulnerable areas of their new families. The mental health professional must be able to visualize the family prior to the stress inflicted upon it by the youngster and work to build on the strength and compentence of the family. The goal must be to improve the functioning of the family, since family care is the most positive alternative for a foster child.

Foster children must have mental health treatment that is directed towards their special needs and dilemmas. The dilemma of the foster child is overwhelming and can cause the youngster enormous pain. As the child grows to care for the members of each of his or her foster families, the youngster feels guilt for being disloyal to the birth family. This triangular relationship, from which the youngster has no healthy means of escape, often is reflected in the behavior that causes the child to be brought for treatment. Suicide is epidemic amoung teenagers. Foster children, with their histories of loss and abandonment are vulnerable to this means of escape. Mental health services must take into account these dilemmas and this very real danger, and evaluations by experts must be a regular part of a child's foster care treatment program.

Foster families are often in the best position to know the real issues concerning their foster children. They can be their best advocates. They may have to advocate for especially specialized and sensitive services for themselves and their foster children, if the services they are receiving do not seem to make a difference in the child or the family within a short period of time.

The Center for Adoptive Families, Inc. is a specialzed, private mental health program specializing in service to adoptive and foster families and children.

Judith Schaffer is a founding partner, a family therapist, and the director of research.

The Center accepts Medicaid, medical insurance and has a sliding scale. Treatment is offered to the family. Individual treatment is available for youngsters.

Judith Schaffer
Center for Adoptive Families, Inc.
New York, New York
212/420-8811

The NAFFC is a completely independent organization, incorporated under the laws of the State of New York. It is not affiliated with any other organization.

LIFE IS NOT A "BRIEF CANDLE." IT IS A SPLENDID TORCH THAT I WANT TO MAKE BURN AS BRIGHTLY AS POSSIBLE BEFORE HANDING IT ON TO FUTURE GENERATIONS.

- Bernard Shaw

BILL OF RIGHTS FOR FOSTER CHILDREN

Ratified in Congress Hall, Philadelphia
Saturday, the Twenty-eighth of April, Nineteen Hundred and Seventy-three

EVEN more than for other children, society has a responsibility along with parents for the well-being of foster children. Citizens are responsible for acting to insure their welfare.

EVERY foster child is endowed with the rights inherently belonging to all children. In addition, because of the temporary or permanent separation from and loss of parents and other family members, the foster child requires special safeguards, resources, and care.

EVERY FOSTER CHILD HAS THE INHERENT RIGHT:

Article the First	... to be cherished by a family of his own, either his family helped by readily available services and supports to reassume his care, or an adoptive family, or by plan, a continuing foster family.
Article the Second	... to be nurtured by foster parents who have been selected to meet his individual needs and who are provided services and supports, including specialized education, so that they can grow in their ability to enable the child to reach his potential.
Article the Third	... to receive sensitive, continuing help in understanding and accepting the reasons for his own family's inability to take care of him, and in developing confidence in his own self-worth.
Article the Fourth	... to receive continuing loving care and respect as a unique human being ... a child growing in trust in himself and others.
Article the Fifth	... to grow up in freedom and dignity in a neighborhood of people who accept him with understanding, respect and friendship.
Article the Sixth	... to receive help in overcoming deprivation or whatever distortion in his emotional, physical, intellectual, social and spiritual growth may have resulted from his early experiences.
Article the Seventh	... to receive education, training, and career guidance to prepare him for a useful and satisfying life.
Article the Eighth	... to receive preparation for citizenship and parenthood through interaction with foster parents and other adults who are consistent role models.
Article the Ninth	... to be represented by an attorney at law in administrative or judicial proceedings with access to fair hearings and court review of decisions, so that his best interests are safeguarded.
Article the Tenth	... to receive a high quality of child welfare services, including involvement of the natural parents and his own involvement in major decisions that affect his life.

MYTHS ABOUT ADOPTION

Contrary to the examples being set on prime-time television, adopting a Black child into a white family is not always a healthy mix. Several years ago Black social workers, noting that they were seeing too many Black teenagers who had cultural identity problems, began a major national campaign to recruit adoptive Black families.

According to Andrea Leontire, an adoption coordinator for the National Adoption Exchange, her organization works as a clearinghouse for adoption centers across the country, trying to enhance opportunities for children--including Blacks--considered "hard to place." Some of these children are physically or emotionally handicapped, mentally retarded, or have learning disabilities. Children over 10 years old are automatically placed in that category, as well as sibling groups, because fewer families are willing to adopt them.

The National Adoption Exchange is conducting its own campaign to recruit Black families in a different way--they are teaching public and private agencies how to effectively work with prospective Black families. The Exchange registers children from public and private agencies in 50 states and tries to match children with prospective parents.

The adoption community is working hard to educate the public and dispel myths about adoption that scare people--especially Blacks--away from adoption:

MYTH: There are few Black children available for adoption.

TRUTH: There are more than 10,000 Black children in the public child-welfare system available for adoption, according to a study conducted in 1982 by the Administration of Children, Youth and Families.

MYTH: You have to be rich, middleclass or own a home to adopt.

TRUTH: As long as you are above the poverty level you can adopt. Even people on public assistance and social security are eligible in some states. The federal government is now offering subsidies for these "hard-to-place" children. The most important factor is that you can genuinely offer a safe home for a child.

MYTH: Adopting a child is expensive.

TRUTH: There are some minimal costs in the adoption process. The first fee is for "home study," the process by which the social worker assesses your home and educates you about the expectations and realities of caring for the child. The private agencies do charge a minimal fee beginning around $200, but many of them base the fee on your income, and now some may even waive the fee. Public agencies usually do not have a fee, but the wait is longer because there are fewer caseworkers to process the adoption. Court finalization costs are between $75 and $300, but for children with subsidies, the cost may be picked up.

MYTH: Only a couple can adopt.

TRUTH: If you are single, divorced or widowed, you are eligible to adopt, but you must be healthy because some states require a physical examination.

MYTH: You have to wait for years to get a child.

TRUTH: Once you've been approved through the home-study process, the average wait is between six months and a year. If you're waiting for a healthy Black female infant, you will probably have to wait a year; if you want a boy, the wait is shorter. There are also children between 4 and 10 years old who are available and for whom the wait is shorter. And if you're adopting a handicapped child, the process is even faster.

If you're considering adoption, the National Adoption Exchange can direct you to one of the ten regional adoption agencies in the country. To contact it, write to P.O. Box 1966, Philadelphia, PA 19105, or call (215) 925-0200. You can also contact any public or private agencies in your immediate area or the human-resources agency in your city or state.

-Francesca Simon
Essence, February 1985

Editorial

Continued from page 2.

The crisis team must always be the respector of parental rights, for parental rights are one of the most sacred rights in this country. But it must also keep in mind that a child has a right to be parented. Children who remain in foster care year after year are not receiving true parenting, but are only receiving promises that may never be fulfilled.

Unless the natural parent is willing to cooperate fully with the crisis team in working toward the reunification of their family, a time limit of six to eight months must be set as a cut-off period for the child to remain in a temporary situation. If the natural parent does not wish to cooperate then the team must begin to explore other permanent alternatives that will be in the best interests of the child. Children left to linger have no hope. Rickie Warner was allowed to linger aimlessly, without permanency, and now Rickie is dead. What a needless tragedy and waste of America's great resource -- its children. Let's take this siutation as a challenge to begin to work together to provide services that our children need desperately.

In response to the New York Times article, the NAFFC has contacted the Montgomery County Prosecuting Attorney's office in Ohio. Mr. Lee Falke has agreed to look into this case to see if the agency should be held accountable for what happened to Rickie. We would like to encourage you to write to Mr. Falke urging that the agency responsible for Rickie be accountable for the thirty-two moves that led to Rickie's self-destruction. Mr. Falke's address is: Mr. Lee C. Falke, Montgomery County Prosecuting Attorney, Montgomery County Courts Building, 41 North Perry Street, Dayton, OH 45402.

Glenn M. Hester
President
NAFFC

We welcome your letters and articles for future Newsletters. Send them to: NAFFC, Inc., P.O. Box 169, Bay Ridge Station, Brooklyn, NY 11220

THE CHANGING ROLE OF FOSTER PARENTS

Continued from page 3.

other person. Another important change I see is the partnership model in which all involved parties -- agency, birth family and foster family -- work together. Each party knows what the expectations and responsibilities are in the case plan. We as foster parents are certainly the ones who live with the child and know the child's problems. Birth parents have most of the rights and that is fine if they are willing to work toward getting their children back to a permanent environment. The agency worker has the training and authority to pull together the services needed by both the child and the birth parents to reunite the family if possible.

Education has been the factor which has made possible the changes which we have seen over the years. Education of the foster parents teaches them more effective parenting skills for the difficult problems and helps them understand how the system works and how to improve it. Agencies have learned that permanent planning for children works when all parties are aware of what is expected of them. Birth parents have been able to reunite their families with the help available or learn that public agencies will not be free baby-sitting services. All of this leads to better care for the children who are our future.

Mary Sterling
President, Morris County Foster Parents
Long Valley, New Jersey

"Each child needs to know that he is real, that he is not merely becoming but already is a person. He needs to know that the child he is will be part of him for the rest of his life and that this inner companion is good. Unless he can be glad about being the child he is, he can never truly be glad to be the adult he will become." (from The Conspiracy Against Childhood, by Edna J. LeShan).

Lost Generation in Foster Care

Continued from page 1.

"The experience of coming into foster care is traumatic in itself," said Judith Schaffer of the Center for Adoptive Families in New York. "They're placed quickly in whatever is available, which may not be what they need, so you have to assume that something's happening and that it's not good."

Nor do case workers in most foster care programs have the time or the resources to spot the cases that need the most attention. "No system has a way of identifying high-risk kids," said Linda Lee Sattem, executive director of the Suicide Prevention Center in Dayton. "Violent behavior can be controlled and you can train foster homes to de-escalate violence, but how can you build self-worth when you're shunted to a new place just as you begin to build trust with that family?"

Some officials also worry about the built-in incentives that keep parents from adopting older children. Foster parents are paid for the care they provide. The amounts vary depending on the age of the child and on whether the programs are administered by state or county agencies. In Florida, a foster parent receives $269 a month for an infant and $281 a month for an adolescent. San Diego pays $291 a month for a child and $606 for an adolescent.

But the payments stop the moment a foster parent adopts a child. Many social service officials say that puts financial pressure on foster parents not to adopt, and children remain in a foster care system that was not designed to provide permanent placement.

"The flaw of the system is it becomes a disincentive to adopt," said Donald W. Mathis, associate director of the National Network of Runaway and Youth Services based in Washington. "While it's the case that millions of foster parents across the country do a fine 24-hour-a-day job in raising these youngsters, it is also the case that Federal and state officials should look for a system that does not penalize those foster parents who want to adopt and provide much-needed permanency."

Possible Worsening of Problem

The Reagan Administration wants to hold reimbursements to states for Federal foster care at the current level of $486.4 million a year. If other social services are cut, welfare officials worry that more adolescents would be placed in beleaguered foster care systems by poor families no longer able to afford to live together.

That could increase the number of young people shuttling from foster home to foster home, officials say.

There have been few clinical studies of the effects of prolonged foster care. In one, George Frank, an associate professor at the New York University School of Social Work, reported in 1979 that "long-term foster care as it is currently delivered may be more often harmful than helpful." After reviewing records of 227 adolescents who had been in foster care for five years, he found a marked increase in serious psychosocial problems over time.

"Every time they're placed they feel it's a rejection," said Mr. Patania of the Jacksonville center. "We're talking about overwhelming rejection."

Rickie Warner had been rejected 31 times in his life, but managed to come across as tough and invulnerable. "You wouldn't know he had problems," Mrs. Decker said. "He did not feel like he belonged to anyone, and he hated the world he got stuck in."

Mr. Vetter, head of the agency in charge of the Warner case, declined requests for an interview, saying records of the case were confidential. But school officials said Rickie was a poor student who read at second grade level.

He was also an unruly pupil. "He could be an angel one week and a hellion the next," said Marilyn Kaple, who tutored him when he lived in a foster home in Fairborn. Once Rickie was so angry that he ripped an assistant principal's telephone out of a wall, school officials said.

Mrs. Kaple said that Rickie showed promise at first, but that his behavior deteriorated after he learned that a planned adoption had fallen through. After attacking the foster parents he was then living with and attempting suicide, he was sent to the Deckers.

They liked Rickie so much that they made plans to adopt him. Mrs. Decker says Rickie began dreaming of an athletic scholarship to college and a career as an architect. But soon reality closed in on him. He learned that his brothers had been adopted. For Rickie, who desperately wanted to stop bouncing from one foster home to the next, it was crushing news.

On Feb. 2 he pocketed the cassettes at a supermarket. Another teen-ager who was with him was not arrested, according to the police in Huber Heights, where the Deckers live.

When the police dropped him off at the house, Mrs. Decker and her husband were away. Fearing that the Deckers would drop the adoption plans when they heard about the shoplifting incident, Rickie took the revolver and ran away.

"I never dreamed what was on his mind," Mrs. Decker said. "I'm still asking myself why."

New York Times, March 4, 1985

NATIONAL ASSOCIATION OF FORMER FOSTER CHILDREN, INC.
P.O. Box 169, Bay Ridge Station, Brooklyn, NY 11220

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I wish to make a contribution to the Scholarship Fund for former foster children.
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UPCOMING EVENTS

Glenn Hester, NAFFC President, will be holding workshops and/or speaking at the following:

- North American Council on Adoptable Children Annual Conference, August 8-11, 1985, Albuquerque, New Mexico.
- Colorado Foster Parent Association Annual Conference, September 20-21, 1985, Ft. Collins, Colorado.
- Association for Regulatory Administration, Annual Business Meeting, Richmond, Virginia, October 9, 1985.
- Minnesota Foster Parent Association Annual Training Conference, October 11-12, 1985, Bloomington, Minnesota.

If you would be interested in having Glenn give a presentation to your group, organization, or church, contact him in care of the NAFFC office or call 718/853-6795.

SCHOLARSHIP FUND

Already we are receiving requests for information on our scholarships. Of course, since the NAFFC is just getting started, our Scholarship Fund is very limited. As a goal for this first year we would like to be able to offer a small scholarship to a foster child from each state plus the District of Columbia. A $200 scholarship would require a Scholarship Fund of $10,200. If everyone would contribute $20.00 to the Scholarship Fund we would be well on our way. Twenty dollars isn't a lot of money for most of us. It'll buy a tank of gas, four jars of instant coffee, or two cartons of cigarettes if you're a smoker. What a small sacrifice to meet such a great need! A $200 scholarship is a modest amount, but it's a start. Along with the money, the backing of other former foster children will mean a lot to the student. Thanks so much to all who have contributed so far. We challenge you all to join in!

NATIONAL ASSOCIATION OF
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"WE CARE BECAUSE WE'VE BEEN THERE

The CHAIRMAN. Senator Metzenbaum.

Senator METZENBAUM. Mr. Hester, the National Association of Former Foster Children, what is that? How did it come into being?

Mr. HESTER. It came into being because I began realizing that there are a lot of people who are adopted, who are ashamed of who they were. I sort of got a spinoff from the Vietnam veterans. There were a lot of Vietnam veterans that did not want anybody to know. I realized that I did not have to be ashamed of anything, or anything that happened to me, because I did not do it. Someone did it to me, and I am proud of the person I am. So I hold it as a badge of honor that I came through a system and I landed on both feet, and I want these kids to know that it is not their fault.

Circumstances——

Senator METZENBAUM. I am trying to find out a little bit more about your organization. Are there many former foster children in it?

Mr. HESTER. Regretfully, no. At this time I am getting a tremendous amount of support from some key professional people who are concerned about my concerns, and are helping me, trying to organize this much better, but people are not running out admitting that they were former foster children.

Senator METZENBAUM. In your testimony, the thing that concerned me, in addition to many other aspects of it, was the fact that when you turned to the social worker, or the psychologist, you apparently ran into a deaf ear. What do you think is wrong about the whole program of foster care from the standpoint of those who administer the programs in the various parts of the country?

Mr. HESTER. To make it as straight forward as possible, I think a lot of these agencies are more concerned about protecting their image and their program than protecting children.

Senator METZENBAUM. Do you think they do not care?

Mr. HESTER. I think they are more concerned—it is not a question of caring for the child. The child becomes——

Senator METZENBAUM. Incidental to the continuation of the program?

Mr. HESTER. That is the second most important thing. The running of the program becomes the most important thing.

Senator METZENBAUM. Did you find all the social workers with whom you worked, or with whom you had contact, indifferent, committed, antagonistic? How would you describe it?

Mr. HESTER. It is ironic how the social worker that had to place me at Lakeside—I recently talked to her on the phone, and this was a 20-year separation, and she had told me that after she had put my brother and I in Lakeside she resigned, because the only thing that she could remember about us being put at Lakeside is we had to march to the dining room, and we had to be constantly polishing the floors. So she could not deal with it, so she could leave.

So, again, it is the ones, the good ones, who wind up leaving, because they get burned out. That social worker was a burned out social worker, and she is in a different profession today.

Senator METZENBAUM. You talked about your telling the psychologist of the problem you had, after you had been sexually abused, and the psychologist giving little attention to your comments, or did not believe you. Then you said that ended when he took his life.

Who, the psychologist, or——

Mr. **Hester**. The psychologist.

Senator **Metzenbaum**. The psychologist took his life?

Mr. **Hester**. Yes, and that is pretty scary to a kid who has emotional problems, when the guy who is supposed to have all the answers does himself in. It leaves a real fear in a little child.

Senator **Metzenbaum**. If you could recommend one single thing to this committee, and know that it would become a reality, what would you recommend, knowing that we cannot just make social workers better, we cannot make people care more? Should there be some bonus to a foster parent, for example, who helped in an adoption procedure? Do you have any innovative thoughts on that?

I was intrigued by your comment that the foster parent does not want to give up the foster child because it is so profitable to keep the child in their home.

Mr. **Hester**. I think—I did not make that statement, but I correct you on it. Some people say foster parents are in it for the money. I have found a lot of foster parents in this country genuinely concerned, and if they were not getting paid, they would still be foster parents. I would elect to start seeing that we start recruiting the poor and the minorities.

If we have to pay them, listen, I would rather have $12,000 a year going to a family to help get a child into a permanent home, than pay $25,000 a year to keep a child in an institution, because children who grow up in institutions will wind up in institutions as adults. So the only solution is, when you have a family who does not want to be responsible for their children, do not even waste your time on foster care, just get these children into a permanent home in the shortest time possible.

Senator **Metzenbaum**. What is your opinion about eliminating racial barriers when we place a child into a permanent adoptive home?

Mr. **Hester**. Again, this is—again, it is what society is willing to deal with. I personally feel that black children should be in black homes, and white children should be in white homes, but that is not going to be a realistic thing to deal with.

Again, I feel that again if a child is available, and I think especially with older children, they should also help participate in the choice of the family, and again, with some of the older children I think some of them would choose to go into a different racial home if they could show the different opportunities.

Senator **Metzenbaum**. With a younger child, if there is a white family that wants to adopt a black child?

Mr. **Hester**. I think if real efforts were made to recruit a black family, and the family was not found, then this child should go into a permanent family, even if it was white.

Senator **Metzenbaum**. Even if it is white?

Mr. **Hester**. Even if it is white.

Senator **Metzenbaum**. Thank you.

The **Chairman**. I want to thank you, Mr. Hester, for being here, and I think your testimony has been very stimulating to the committee, and very interesting.

I am going to look forward to reading this book of yours.

Mr. **Hester**. Thank you very much, Senator Hatch.

Thank you very much, Senator Metzenbaum.

[The prepared statement of Mr. Hester follows:]

FORMER FOSTER CHILDREN SPEAK OUT

by

Glenn M. Hester

My name is Glenn Hester and I am a former foster child. I grew up in a total of fourteen different orphanages, foster homes, juvenile detention centers, and mental institutions during the first eighteen years of my life. The first two and a half years of my life I lived for a short time with a relative, then in three different orphanges. After that I was placed in a foster home along with my brother who was one year younger than I. My first foster home was a very loving and caring home. I lived with this family for five and a half years. My foster parents instilled their love, moral values and attitudes on my young life. In short, they planted seeds of hope in my life. Many of these seeds didn't take root for many years, but because of their love for me I am who I am today.

I was born illegitimately to a woman who had no sense of moral responsibility toward her children. My father was a man who was married to someone else and could care less how many children he brought in to this world. In the end, he committed suicide.

My foster parents, who really loved my brother and me, recognized that my mother would never take responsibility for us and therefore they approached the agency that I was in, a private contracting foster care and adoption agency in New York City, and asked if we could be made available for adoption. The agency said that under no circumstances would my brother and I be available for adoption and that we would stay in foster care in hopes that one day our mother would get her act together and provide a home for us. Yet this agency made little effort to work with my mother to make reunification of our family possible. My foster parents, seeing the falseness in the attitude of the agency, approached my mother and asked her if she would be interested in releasing us for adoption and offered to pay whatever expenses were incurred. When the agency found out about the efforts my foster parents were making towards permanency planning for us, my brother and I were removed from that foster home. Many years later when I was able to acquire some of my records through the mental health system, I discovered that according to Child Welfare, I had been available for adoption all that time. Also, comments by the private agency indicated that my first foster parents were physically and emotionally abusive. I can not remember any such abuse. All I remember is a very loving family. I must presume that the agency had other motives in mind other than my best interests. According to the Citizens Committee for Children in New York, private care agencies such as the one I was in, keep children in foster care four to seven years longer than they need to stay. Another factor pointed out by this Committee is that a child is worth as much as $25,000 a year in government support to this agency.

From this loving foster home it was all downhill. I was placed for a short time in an institutional setting in Spring Valley, New York where I was exposed to a tremendous amount of physical abuse. Then I was put in a foster home for fourteen months. The foster father there was an alcoholic and the mother, though loving and caring, was having her own emotional struggles. I can remember being punished for weeks on end for some minor infraction of her authority. The rules must always be obeyed and any person breaking them would be punished severely.

This time the agency realized that I was being abused, so again I was moved back to the orphanage in Spring Valley. In five and a half years that orphanage transformed a frightened little boy who only wanted to be loved to an angry, bitter, anti-social and revengeful teenager.

While at the orphanage, when I was nine, I was befriended by a housefather who said he cared for me very much. One night he came into my bed and physically and sexually abused me. I can remember feeling frightened, betrayed, and fearing for my life. I was told by the house father not to say anything or he would cut me up and flush me down the toilet. This went on for a long time until I finally realized that I must tell someone. One afternoon I decided to see the psychologist in the orphanage and I told him what the house father was doing. The psychologist said that I was a liar and that I had imagined the whole thing. This same psychologist later hanged himself in his home on the orphanage property. Even so, the psychologist's statements regarding my mental health were never questioned. In his records he referred to me as a marginally retarded child with learning disabilities who suffered from hallucinations. With my social behavior he said that I would probably spend the rest of my life in some type of institutional setting.

With attitudes and statements like these, I can see why private agencies and institutions under no circumstances want their former clients and foster parents to read these records. In my opinion, agencies write records that are so one-sided that it always makes the agency look as if they are really accomplishing something. I refer to most private agencies and institutions as a Hollywood studio set. The streets, houses and buildings look so real until you open up one of the doors and find that there is nothing but an empty lot on the other side. A lot of institutions paint a lovely picture of caring for children, but upon closer examination one finds that their whole premise is built on lies and greed. The reality is that during my five and a half year stay at the orphanage I was in, I suffered a great deal of physical, emotional and sexual abuse and no one lifted a finger to stop it.

After an incidence where I reacted violently to being physically attacked, the staff of the institution decided that I should be sent home to my mother and her live-in boyfriend. At that time my mother neither wanted nor was able to take care of me or be responsible for a teenager who was acting out and had been hurt by people who were entrusted with his care. Within two short months living at home, I was sent to Spafford Juvenile Detention Center, run by the City of New York, for physically striking my mother after she had struck me. While in Spafford an attempt was made by a guard to sexually assault me. But this time I was bigger, stronger, and motivated by hate. I was even willing to kill. I broke a chair over the guard's back and other teens pounced on him. After this incident I was placed in Columbia Presbyterian Medical Center's Psychiatric Institute. There at Psychiatric Institute they evaluated me as being a child who had suffered from long term child abuse. Even with these findings the orphanage was never held accountable for the crimes committed against me as a child. The policy seems to be that it is more important to protect the program than to protect the child who was a victim of this type of abuse. When the welfare of an institution is more important that the welfare of a child, Society must hang its head in shame.

As a teenager who was a victim of many years of abuse, I was not interested in recognizing or resolving my anger, but only in seeking revenge on those who attempted to abuse their authority over me. If I was someone's friend, I was their best friend. But if I was someone's enemy, I was their worst enemy. With this attitude I wound up in several mental institutions, one being Rockland State Hospital in Orangeburg, New York. A movie had once been made about them appropriately called, "The Snake Pit". By the time I was seventeen I wound up in a mental institution for the criminally insane because I stabbed a person with a knife and had shot at several people with a high powered B-B rifle.

Upon release from this mental institution I was drafted into the military where I was taught one thing -- how to kill my enemies. After leaving the military I drifted from one job to another, not able to handle the pressure of authority over me. I always thought I was right and everyone else was wrong. During this time I was also caught up in a power struggle. Feeling very powerless I became a collector of guns, and read books on men who knew how to control people's minds and bodies. I read a lot of the teachings of Mao Tse Tung where he stated that the gun was the extension of a man's strength. Everybody listens to a man who has a gun over them. Many of your infamous killers in recent American history, such as Charles Manson and Lee Harvey Oswald, were themselves victims of a tremendous amount of physical as well as sexual abuse while in institutional care. Manson once said that an orphanage was nothing but a hothouse that breeds insanity.

In July of 1973, at age twenty-five I miraculously met some people who saw through my anger and began teaching me things that I needed to know about life. They taught me that instead of seeking revenge for a past that could never be changed, I should step out of my anger and learn how to forgive. In learning how to forgive one can begin to detach oneself from the past and start to work toward building a future.

Since then, I have finished high school, gone on to college, graduated from five technical schools and have a stationery engineers license. I was motivated to succeed because true friends had shown me how to take the same energy I was expending in seeking revenge, and use it to build a solid future for myself. Yet, I look back and see how twenty-five years of my life were wasted because of a few individuals who were more interested in filling their coffers with government money to run institutions than to work toward genuinely aiding children in need. Literally a million dollars of tax payers hard-earned money was spent to care for me and I was surrounded by well educated people and yet I wound up with less than a tenth grade education and very emotionally disturbed. I'm not a unique case, but one of hundreds and thousands of cases that have been uncovered in America today. The problem is that many people who were abused as children are never able to resolve this abuse and continually fall into the trap of becoming abusive themselves. They have only seen the negative side of life and when they became adults they began to fail on their own. According to the National Prison Project, Washington, DC., 90% of those in prison today grew up in some type of foster or institutional care or were victims of child abuse. With the billions of dollars being spent on foster and institutional care, it seems that we are only preparing abused children to become abusive adults.

Much of the failure in institutional and foster care is contributed to the fact that those in charge of these programs offer their staffs little or no training relating to the needs of these children. They also have very ineffective screening programs to see what kind of people are working with the children and their motives. A well known investigative writer, Kenneth Wooden, who wrote Weeping in the Playtime of Others as well as The Children of Jonestown, both published by McGraw-Hill, shows how children across this country are being exploited, abused, and even murdered and these incidences are often whitewashed, ignored, or handled with a care less attitude by governmental authorities. In the well documented incident in Jonestown, Guyana, the Rev. Jim Jones from the San Francisco Bay area, murdered 141 innocent foster children who had been illegally taken out of the country. No one has ever been held accountable for letting this man take foster children out of the country.

We can only begin to resolve problems like this by mandating that all agencies have a community review board to see to it that proper training, effective screening, and regulations be instituted and that the agencies conform to the regulations. A periodic review must be done on a timely basis to ensure that children are accounted for and not lost in the system.

For the most part, foster parents are very caring, and generous in giving their time and resources to children in need. They should be recognized for their dedication and service. Foster parents should be recognized as crisis care workers and should receive training to their fullest potential. It should be required that all states develop and utilize uniform training programs that realistically reflect the needs of children in care and address the needs of foster parents who must deal with the problems of these children in their homes on a day to day basis. The foster parents must not only have pre-service training but have in-service training as well. Foster parents should also belong to a local and state association that can assure that newer foster parents are getting the resources, training and support needed to be effective foster parents. The foster parent must be looked upon by the agency as a partner or team member working toward the reunification of the child's family and also as an advocate for the child to assure that it is safe for the child to return to its natural environment. When a child cannot be returned to its natural environment, then the foster parents should be considered, whenever possible, to become the adoptive parents.

Apart from some state associations there are three organizations that I can highly recommend as having the dedication and resources available to equip any agency in need of such material. The National Foster Parent

Association, P.O. Box 12131, San Francisco, California 94112, (415/334-1277). The North American Council on Adoptable Children, 1346 Connecticut Avenue, NW, Washington, DC 20036 (202/466-7570). The National Association of Former Foster Children, P.O. Box 169, Bay Ridge Station, Brooklyn, New York 11220 (718/853-6795).

In conclusion, agencies must be governed by the community to guarentee that the needs of that community are met. The agency should be accountable to the community. Again, periodic reviews should be made of each case to make sure the child doesn't just drift along in the system for years. In retrospect, in 1950-1960 dollars, nearly a quarter of a million tax dollars were spent on me and what society got for their money was an emotionally disturbed, angry, individual with no job skills and little chance of success.

The CHAIRMAN. Let me turn to the next witnesses on the panel, who are Mr. and Mrs. Ashton Avegno. You are from New Orleans, LA, and I understand you have a lengthy statement, which we are just going to put in the record in its entirety, so anybody can read it, and then I am going to ask you some questions, if I can.

First, I understand that you have adopted seven children, all of whom are considered as having special needs; is that correct?

Mrs. AVEGNO. All but one of the seven adopted children have some type of special need.

The CHAIRMAN. As I understand it, your children qualify as special needs children because of varying factors, such as age, race, and mental, physical, and emotional disorders; is that fair?

Mr. AVEGNO. That is correct.

The CHAIRMAN. How many of your seven adoptive children were adopted through the State of Louisiana's Department of Health and Human Services?

Mrs. AVEGNO. Two of them, our son Matthew, now 3 years old, and who is multihandicapped, and our son Jeremy, who is 7 years old, and who is a biracial child, with emotional problems.

The CHAIRMAN. Give us some background on your adoption of your 3-year-old son Matthew?

Mrs. AVEGNO. Matthew was born in September of 1981. He is the child of an incestuous relationship between a 16-year-old retarded girl and her own father. He is severely handicapped. He was born in a large public hospital in New Orleans, and came into the care of the Louisiana Department of Health and Human Resources, shortly after his birth. When he was released from the hospital, he was placed in a receiving institution for State handicapped children.

The CHAIRMAN. I understand he has extensive cerebral agenesis?

Mrs. AVEGNO. Yes. His brain did not form properly before birth. He is missing sections of his brain. The brain that is present is not correctly formed, and does not function correctly.

The CHAIRMAN. He has multiple congenital anomolies, as well?

Mrs. AVEGNO. Yes. He will always function between the age of 6 and 9 months.

It is doubtful he will progress beyond the 9-month level. He is 3½ years old now, and has just learned to sit. He has no speech and language, and will never develop speech and language.

The CHAIRMAN. What kind of medical information and background did the department provide you concerning Matthew's condition?

Mr. AVEGNO. None. When we picked him up from the receiving home, which was a private agency contracting to the public agency, a nurse, a registered nurse, who staffs the agency handed us the child, said, "Here he is," gave us a 4-ounce bottle of formula, and said, "He eats one of these every hours." They also told us he had Down's syndrome. He does not have Down's syndrome, and it was immediately obvious to us that he did not have Down's syndrome.

He did not eat 4 ounces of formula in the entire 2-week period that we first had him. He was blind, and no one knew that. They told us he slept perfectly fine, and ate perfectly fine, and he did not.

Within a week of the time of our receiving Matthew, he was put in intensive care for 11 days, during most of which he was closer to death than he was to life. So everything was inaccurate.

The CHAIRMAN. What type of medical treatment did Matthew receive while in the department's custody, and prior to your adopting him?

Mrs. AVEGNO. He received no medical attention whatsoever. He received very little medical care while he was in the hospital, at the time of his birth. He was released to the institution without having been seen by a State pediatrician.

When the institution learned that we were coming to pick him up, a pediatrician looked at him, and gave the official diagnosis of FLK syndrome. We had never heard of FLK syndrome. So we tried to do some research about this. We were finally able to discover that FLK means funny looking kid. That was his official diagnosis.

There was no doctor of record anywhere in the medical information that we were able to receive on the child.

The CHAIRMAN. Did you encounter any problem in legal procedure that jeopardized Matthew's adoption?

Mrs. AVEGNO. Yes, we did. There had been a mistake made in——

The CHAIRMAN. Will you pull that mike down just a little bit? Right there.

Mrs. AVEGNO. A mistake had been made on the original document of surrender, in which the natural mother surrendered her legal rights to Matthew. The State social worker who witnessed the surrender did not sign it. We, of course, did not have a copy of the surrender document. Our lawyer obtained one when we went to file for Matthew's final adoption decree, about 1½ years after placement. He noticed that the surrender had not been signed by the social worker, and that did jeopardize the validity of the surrender.

The CHAIRMAN. With regard to supportive services by the placement agency, as I understand it, the social worker had never even seen him?

Mr. AVEGNO. No. None of the State workers had seen him before placement, and it was a good deal of time after placement before they saw him.

At one point, when Matthew was in the hospital, and everyone, including the doctors, thought he was dying, we tried to get in touch with the social worker and could not. We sent her a note that said "Matthew is dying, please contact us." She never did.

The CHAIRMAN. As I understand it, the social worker did, on a number of occasions, try to convince you not to adopt Matthew.

Mrs. AVEGNO. Yes.

The CHAIRMAN. But to keep him as a foster child?

Mrs. AVEGNO. Yes. We were told repeatedly that it would be in our best interests, not the child's, but our best interest, to keep Matthew as a foster child.

For one thing, we would be reimbursed for room and board expenses if Matthew were a foster child. We would lose that reimbursement when we adopted Matthew. Matthew would also be entitled to a Medicaid card while he was a foster child, and not after the final adoption.

We were told, on several occasions, that Matthew was too retarded to know the difference, that he would not know whether he was in foster care, or whether he had been adopted, so it was foolish for us to try to adopt such a handicapped child.

The CHAIRMAN. Do you think it is a common practice for some of the social workers to discourage interested families from adopting severely handicapped children?

Mrs. AVEGNO. Yes, it is quite a common practice. This happened to us with Matthew, and it has happened to us on a number of other occasions also.

The CHAIRMAN. Why do you think that is so?

Mrs. AVEGNO. In the case of State children, and State social workers, there really is, in our experience, a very, very pronounced lack of understanding of the difference between foster care and adoption. To a social worker a placement is a placement, and there is no clear appreciation of the fact that a child's legal status is very, very different in foster care than it is in adoption. They simply do not understand that it is important for a child to have a permanent, legal, binding relationship with a family.

The CHAIRMAN. You feel that it is natural?

Mrs. AVEGNO. Yes, we do.

Mr. AVEGNO. Yes.

The CHAIRMAN. That is great. So you feel that even though you would have been able to have received money from the State, because of that binding relationship, emotional support, and the help to the child, it is better to adopt these children?

Mrs. AVEGNO. Matthew deserves a family. Whether he is retarded, or blind, he deserves a permanent family.

The CHAIRMAN. And you love him.

Mrs. AVEGNO. Yes. He is our son.

The CHAIRMAN. Could you give us a brief biographical sketch of Jeremy, prior to his becoming a member of your family?

Mrs. AVEGNO. Jeremy was placed at 2 years and 8 months. He had been abandoned at birth by the biological mother. He was left in the care of the mother's husband, who was not Jeremy's biological father. He was the legal father, but was not the biological father. The mother abandoned the child shortly after birth to her husband. The husband kept Jeremy for a period of about 3 months. During that time there was evidence of physical abuse, and at the age of 3 months Jeremy weighed less than his birth weight, so there is also evidence of serious malnutrition.

At the age of 3 months, the man who was keeping Jeremy contacted a relative of his, and asked this relative to take Jeremy into her home. She did. She cared for Jeremy in every physical sense. Jeremy had a roof over his head, he had food to eat, he had clothes to wear. There was no emotional interaction, though, between Jeremy and the rest of the family. He was kept as a pet, but with a status that was slightly lower than the status of a pet. There was no bonding. There was no affection shown to him. There was no emotional development.

The CHAIRMAN. They just met his basic needs?

Mrs. AVEGNO. Very basically, and very grudgingly.

I want to add one thing here, that the family he was staying with was an upper middle class family. It was not a poor family, where the needs were not possible to be met, or so forth. It was an upper middle class family of good means.

The CHAIRMAN. I see. As I understand it, Jeremy is a biracial child, of both white and black parentage, is that correct?

Mr. AVEGNO. Yes, he is.

The CHAIRMAN. What kind of background information were you given by the department concerning Jeremy's availability?

Mrs. AVEGNO. We were told, when Jeremy was placed with us, that he was legally free for adoption, and it was with that understanding that we agreed to take Jeremy into our home. We were told there were no difficulties whatsoever in obtaining the final adoption decree, it would be a routine procedure.

We learned shortly thereafter that Jeremy was not legally freed for adoption. No attempt had ever been made to free the child for adoption, even though he had been abandoned by the birth mother, the biological father was unknown, and there had been no contact with the birth mother for the entire time prior to his placement with us.

The CHAIRMAN. What resulted from this misinformation?

Mrs. AVEGNO. Because he was not legally free for adoption, we had to begin proceedings to terminate parental rights. These took 17 months. Every 6 weeks, for 17 months, we had to appear in court for a review hearing to check on Jeremy's legal status. The department repeatedly mishandled the situation.

At one point the social worker contacted the biological mother, who was living in another State, and asked her if she did not really want her little boy back, because if she did not take the child back another family would adopt the child. The social worker did this knowing the birth mother had repeatedly declared she did not consider Jeremy her child.

The CHAIRMAN. As I understand, there were several of those 17 months that Jeremy had an attorney to represent him, who had been appointed by the court, but you were not even told of that.

Mrs. AVEGNO. Yes. We had been through three or four court hearings before we knew that an attorney had been appointed to represent Jeremy. The attorney had not been present at the first three or four court hearings.

The CHAIRMAN. What about supportive services? Did the Health and Human Services Department give you any supportive services?

Mrs. AVEGNO. No. We have tried many times to get more detailed background information on Jeremy. He is a child with serious emotional problems. We did see evidence of some child abuse. We suspect there may have been some form of sexual abuse before he came to us. We cannot obtain information.

The social worker who placed him with us had not seen him prior to the time of the placement and did not accompany the child to the placement. We tried to contact her for 5 weeks after the placement, with no success. It was not until the child had been in our home for more than a month and a half that the social worker ever contacted us to see if the child was still living, if the placement was successful or what was happening in the child's life.

The CHAIRMAN. Actually withheld vital information from you with regard to Jeremy and even Matthew?

Mrs. AVEGNO. Yes.

The CHAIRMAN. Are you aware of any cases other than your own where the Department has withheld vital background information from potentially adoptive parents?

Mr. AVEGNO. Yes, we are, in several instances. We have some friends who have unfortunately been through now two disruptions where children were placed by the State Department in their home and no vital information was given to them.

In one instance it was a sibling group of three boys and there was a psychiatric report on file, from what we understand, that said that these boys should not be placed in a home, should not be placed together, because of the very serious physical and sexual abuse they had been through before.

The CHAIRMAN. You found out about these because of your work with the Children's Bureau of New Orleans and your affiliation with adoptive couples together?

Mr. AVEGNO. Yes; we are active in our area with those agencies. We also have a letter from the Children's Bureau we would like to——

The CHAIRMAN. Letter dated June 11, 1985?

Mr. AVEGNO. Yes, it is.

The CHAIRMAN. Let me place it in the record.

[The letter referred to follows:]

Children's Bureau of New Orleans
Carondelet Building • Suite 801 • 226 Carondelet Street
New Orleans, Louisiana 70130 • 525-2366

June 11, 1985

Senator Orrin Hatch
Senate Committee On Labor
And Human Resources
United States Senate
Washington, D.C. 20510

Attention: Dave Rawlings

Dear Senator Hatch:

Children's Bureau of New Orleans, a United Way Agency, state licensed and nationally accredited, is pleased to respond to your request to uncover difficulties encountered in placing special needs children for adoption.

We have been placing special needs children since 1971 and were the first agency in our state, if not the whole South, to do so. Through various adoption exchanges and our own contacts we have placed several hundred special needs children from agencies in fifteen states and nine foreign countries. We take pride in the fact that, as difficult as these placements are to effect, our disruption rate has never exceeded four percent compared to ten percent nationally.

Until approximately 1980 we placed a considerable number of special needs children who had been in the care of the Department of Health and Human Resources of Louisiana. Since then we have encountered more and more difficulties. Not all the children who are freed for adoption are listed with the Louisiana Adoption Resource Exchange. When they are, and we have an approved family waiting, we find that many months go by before we receive any kind of response to our offer to place that particular child with our family. Then, more often than not, we are told that no decision regarding this placement has been made; or, that the child is not ready for placement; or, that they "only" have twelve studies on hand and want several more before making the decision; or, that after very long consideration, they have decided to place the child with the foster parents.

Another great difficulty encountered is obtaining full and accurate information on the child from the State foster care workers before, during and after placement. This lack of information has resulted in the placement breaking down on several occasions with the totally unnecessary trauma to the child

ACCREDITED
MR. J. GORDON REUSCHE · President
MRS. GENEVIEVE SHORT · 1st Vice President
MR. WILLIAM J. DEVILLE · 2nd Vice President
MR. RICHMOND EUSTIS · Treasurer
MRS. WENDY MICHELL · Secretary
MR. RICHARD ZEILINGER ACSW, BCSW · Executive Director
A United Way Agency

and the loss of a potentially excellent adoptive family. All this is unfortunately true not merely in Louisiana but of the State agencies in other states. After many years one is reluctantly forced to the conclusion that the line staff are not motivated to move these children out of foster care and into permanent homes. This is not surprising when one considers that such line staff are, for the most part untrained and lack not merely the proper academic qualifications but also any kind of experience in the field of adoption and foster care. The needs of children for love and care in a permanent home are ignored in the quest for numbers, budget balancing and empire building.

We are convinced that the answer to this problem could be found in having the large public agencies closing their adoption programs and having the licensed, and hopefully accredited, private adoption agencies in the state placing all these children. The state agencies would retain the responsibility for foster care and the responsibility, at the earliest possible moment, for freeing for adoption those children whose parents cannot or will not care for them within a specified fore-seeable future period.

We strongly believe that adoption and family law should remain a state responsibility. At the same time, the Congress can and should take the leadership in reminding the states that this is a task which the private sector can do more humanely, more efficiently and more economically than any government.

We are most grateful for the opportunity to present our views on this vital issue.

Yours sincerely,

Genevieve Short
President

Richard Zeilinger, ACSW/BCSW
Executive Director

Senator METZENBAUM. Would you state what the thrust of the letter is?

Mr. AVEGNO. The Children's Bureau is a private placement agency which is licensed by the State and they are instrumental in the State of Louisiana in placing special needs children and also advocating for special needs children. In the letter they are just recounting their experiences in difficulties in dealing with the Department and problems, barriers, that they have encountered as a private agency attempting to place children into adoptive homes. They have been refused on several occasions, and denied pertinent information in placements that were made which seriously jeopardized the placements.

The CHAIRMAN. Would an agency's withholding of information be a major factor in a placement disruption?

Mr. AVEGNO. Yes, it would.

The CHAIRMAN. Or in placement disruptions, I guess I should say.

Mr. AVEGNO. The only way to make a difficult placement work is to have all the information possible on the child and be able to explore it and seek the proper help. If you make a wrong turn anywhere along the way it is almost impossible to recover in some instances.

The CHAIRMAN. You told our investigators the three most common factors of the withholding of vital information concerning a child's background: lackadaisical attitude toward possible placement, support visits, and the inability to obtain desperately needed therapeutic needs of the child. Does that pretty well summarize what you feel?

Let me ask you, were any of your children institutionalized for long or extended periods of time before coming here today?

Mrs. AVEGNO. Yes; our daughter Katie, who is now 12 years of age, had been institutionalized for 9 years.

[Information supplied for the record follows:]

JUDGES

EDWARD G. GILLIN
SALVADORE T. MULE
CLARENCE B. GIARRUSSO
ANITA H. GANUCHEAU
ERNESTINE S. GRAY

TELEPHONE 523-0619

ORLEANS PARISH JUVENILE COURT
421 LOYOLA AVENUE
NEW ORLEANS, LA. 70112

July 9, 1985

Honorable Orrin G. Hatch
S.R.-135
Washington, D.C. 20510

Dear Senator Hatch:

For the past eight and one-half (8½) years I have been a judge in the Orleans Parish Juvenile Court. The Orleans Parish Juvenile Court has jurisdiction over delinquency matters, adoptions, abandonments and termination of parental rights, neglect and abuse cases, and criminal neglect of family (non-support cases). I am one of five judges in a jurisdiction of approximately 600,000 people.

Since becoming a judge, one of my concerns has been the care of children in foster care and the rendering of services by the Department of Health and Human Resources to keep families together. My particular concern has been the prevention of removing children from families.

Prior to the passage of Public Law 96:272, our Court obtained a federal grant to begin a Monitoring Program designed to monitor children in foster care. This program was instrumental in making known to the Court the number of active cases of children in care in our jurisdiction and was extremely instrumental in the Court begining the Eighteen Month Judicial Review as required by Public Law 96:272. One of the most amazing discoveries we made was that the Court had cases open which the Department of Health and Human Resources had no record of. Because of a concerted effort on the part of our Monitoring Program we were able to have the Department of Health and Human Resources review its records to conform to the records of our Court.

Presently there are approximately three thousand (3,000) children in our jurisdiction who are in foster care and annually approximately two hundred and fifty to three hundred (250 to 300) cases are open each year. This in itself is unfortunate because I believe that a good number of these cases could be resolved through preventive measures on the part of the Department of Health and Human Resources.

At the request of one of your staff members, David Rawlings,

ORLEANS PARISH JUVENILE COURT

I along with members of my staff reviewed approximately sixty-five (65) cases which our Court reviewed between January 1 - May 31, 1985. Of that number there were forty-seven (47) cases in which children were in long-term foster care. Of these forty-seven (47) cases, children were in care for a total of 1,996 months or an average of 42.6 months per child. I must point out that of the forty-seven (47) cases which we reviewed sixteen (16) of these cases involved children in care less than one (1) year or an average stay of 6.68 months. A significant number of cases then was thirty-one (31). Of the thirty-one (31) cases we reviewed in which children were in care for a significant period of time the totlal time was 1,889 months or an average of 60.93 months or better than five (5) years. I confess that this is not a record of which we can be proud. I consider five (5) years to be an extremely long period of time for children to be in foster care considering the psychological damage which is done to children in care and particularly when these children are moved from one foster care home to another.

We may ask why do these children remain in the foster care system for extended periods of time. The reasons are numerous and sometimes interrelated. The following problems, in my opinion, are tantamount to the on-going problems within the Department of Health and Human Resources (our state agency):

* lack of coordination of service delivery between the family service workers and the child(ren)'s workers

* workers do not follow Court orders to the letter

* relative placement are seldom investigated as an alternative placement

* workers are unfamiliar with agency policy

* transfer of cases to new workers more than once thereby further interruption in service delivery to the children

* incomplete training of workers in the area of delivery of human services to children and their families

* inadequate preparation of cases

* far too minimal contact with the children and their families

* increasingly high attrition rate among OHD workers. Cases tend to stagnate until a new worker is assigned

I appreciate the opportunity to present these views to you and hope that if I can be of any further assistance, you will contact me.

I also present these views in the hope that a positive program can be instituted to require the several states to treat this serious problem with the priority it deserves.

With wishes for success of your committee hearings, I remain,

Yours very truly,

Salvadore T. Mulé

Salvadore T. Mulé
Judge

STM:bb

State of Louisiana
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
P. O. BOX 3776
Baton Rouge, Louisiana 70821

EDWIN W. EDWARDS
GOVERNOR

SANDRA L. ROBINSON, M.D., M.P.H.
SECRETARY
STATE HEALTH OFFICER
504/342-6711

June 10, 1985

RECL

The Honorable Orrin G. Hatch
United States Senate
Committee on Labor and Human
Resources
135 Senate Russel Building
Washington, DC 20510

Dear Senator Hatch:

We are writing in response to your request of May 23, 1985 for information regarding ~~Louisiana's Foster Care and Adoption Programs.~~ The response to each question is as follows:

(1) There were 5,955 children in foster care at the end of the State's Fiscal Year June, 1983. There were 5,418 children in foster care as of June, 1984.

(2) Louisiana does not appropriate a specific amount of funds per foster child, rather a total amount is budgeted for the Foster Care Program. The total amount expended on the Foster Care Program during FY '83 -'84 was $14,465,034.81. For your convenience a copy reflecting the breakdown of expenditures is attached.

(3) The number of children freed for adoption at the end of calendar year 1983 was 837. The number freed for adoption at the end of calendar year 1984 was 985. This information was not collected by fiscal year.

(4) The number of foster childen adopted in F.Y. 1982-83 was 228. The number of foster children adopted in 1983-84 was 440.

(5) The average amount of time a child was in foster care in 1983 was 2.67 years. The average amount of time in care in 1984 was 2.51 years.

(6) In July, 1983 there were 94 black children registered on the Louisiana Resource Exchange, 111 children were registered as of June, 1984 for recruitment purposes. There were more children freed for adoption during these two years, but placement resources were available and recruitment was not required.

(7) 33% of the children adopted in 1982-83 were minority children. 37% of the children adopted in 1983-84 were minority children. We do not have information on the number of children that were bi-racial.

It is hoped this information will be of assistance to you.

Sincerely,

Sandra L Robinson

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

SLR/EH/gbr

ATTACHMENT III

Foster Care

FY 83-84

		Budget 83-84	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	YTD June
A	Foster Family Care Bd Rate	11515419-						948745290	129069416	885530151	88187780	93788885	93400618	92349158	1137288787
B	Foster Care Special Needs														
	① Special Ed Rate	579281-						4881102	4722750	5323410	5031276	5331431	4938131	5314260	57031409
	② Clothing	506009-						2888687	2271301	3667979	2637632	2129918	3141232	2724316	33537897
	③ Relative Payments	44500-						310906	563732	366449	424227	246960	347469	316641	423415
	④ Medical (not XIX)	528623-						5142217	5847790	6115620	5234416	6074751	5378164	5541267	64112228
	⑤ Incidentals	588850-						8997444	7713102	9384768	746092	2415280	982617	1073915	109645990
C	Foster Care Subsidy Payments	528300-						3620000	4240000	4280000	4240000	4320000	3400000	4280000	46040000
D	Physical Exams - Foster Parents	36675-						1500	5800	29200	25900	5632	4500	22500	320620
E	Foster Family Recruitment	6846-							13810	48754	40925	65135	29527	71171	396727
F	Liability Insurance - Parents	36800-												3372277	3933200
G	Foster Homes - Handicapped	195700-													
H	Foster Parent Training	9500-												521575	871578
I	Unaccompanied Minors *	300000-													
	Total	14080767-						120745052	118637631	124777381	113289414	119616652	121815564	121652300	1146503481
	Evaluations: (302100)														
	Foster Care							2117400	1588100	1559700	2281600	2459300	2303205	3687700	25297403
	DYS							176000	94600	167500	241000	212000	183100	251800	2016750
	Voluntary/E2A	159820-						4500	10000	30000	2500	16500	--	12250	231585
	Total							2329500	1683700	1776200	2531100	2687800	2692603	3954200	25213028

* Payments for unaccompanied minors, expenditures included in A-D.

The **Chairman**. What effect has that long-term institutionalization had on your daughter Katie?

Mrs. **Avegno**. It has had a number of negative effects. We doubt that she will fully ever recover from the effects of the institutionalization. This child is mildly physically handicapped. She has mild cerebral palsy which affects her legs only. She is able to walk unassisted. She has a perfectly normal IQ. She is a child of high intelligence and she is capable of functioning on a very, very normal level. Because of those years of institutionalization, though, she does not. When she first came into our home, she did not know that she was able to perform the simplest of tasks by herself. She did not know that she could open a door by herself. She did not know how to get in and out of a car by herself.

When she gets dressed even now, she is perfectly capable of putting on her clothes in a normal way. She will lie down on the floor and put on her clothes from the floor even though she doesn't have to do that.

She is also not capable of forming mature, emotional relationships with people, either people her own age, children her own age, or adults. She only knows how to manipulate because that is the only way she got what she wanted in the institution.

She is very adept at sizing up a person and figuring out exactly what tactics she needs to use with that person to get what she wants and she is incredibly skillful at that.

The **Chairman**. I only have three more questions I would like to ask you at this time. One is, do you see the Adoption Subsidy Program as posing any significant barriers to the adoption of special needs children?

Mr. **Avegno**. Yes; we do from a couple of different standpoints. I think the first item, one of the foremost ones in our mind, is the fact that the subsidy program is only available to families who have adopted children who have been in the care of public agencies.

Our daughter Gabrielle, right here on the table, was adopted through private agencies, and is not eligible for any adoption subsidy. She was born in the State of Texas and placed in the State of Louisiana. In either State, had she been in the care of a public agency, she would qualify for public subsidy but because she wasn't, she doesn't qualify. I feel that discourages adoptions because it makes it more difficult to place her. It also prevents private agencies from having a good family that would be able to meet the needs of a special needs child and matching them with the special needs child.

The **Chairman**. You adopted Gabrielle through a voluntary agency?

Mr. **Avegno**. Yes, we did.

The **Chairman**. Is she the only one?

Mrs. **Avegno**. No. Of the eight adopted children, two have come through the public agencies and the others have come through voluntary agencies.

The **Chairman**. I see.

Is Gabrielle biracial as well?

Mrs. **Avegno**. No, she is not biracial. This is a black child. She is the most severely handicapped.

The CHAIRMAN. Of all eight of your children?

Mrs. AVEGNO. She has a genetic disorder which causes a number of extremely damaging manifestations; underlying genetic disorder is basically untreatable. She has respiratory problems, feeding problems. She has to be fed through a gastrostomy tube because she cannot coordinate her swallowing and breathing mechanisms well enough to eat. She is deaf. She has a major heart defect, severe neurological deficiency, congenital malformations. She is a very seriously handicapped child.

The CHAIRMAN. You feel very fortunate your insurance company has been very generous in coverage, but you are also aware of other insurance companies that may not have been as generous in doing that.

Do you think that insurance companies extend the same coverage to adoptive children as they do to biological children?

Mrs. AVEGNO. Some insurance companies do not. Many insurance companies do not cover adoptive children at all, in any way.

Mr. AVEGNO. Oftentimes, particularly with a child with special needs, they will consider all of the special needs and the things that a family would need help with as preexisting conditions. Fortunately, as you said, our insurance company does not.

Mrs. AVEGNO. Otherwise, we would not have been able to adopt Gabrielle. Because she is not eligible for a State subsidy, our only recourse was the insurance company. Fortunately, the insurance company covers her.

The CHAIRMAN. Let me enter into the record at this time a statement from Agape Social Services, Inc., indicating that only children who are wards of the State and eligible for Medicaid coverage, are available for adoption subsidy program. Is that correct?

Mr. AVEGNO. That's correct.

The CHAIRMAN. Then also let me enter into the record the Louisiana State law regarding adoption subsidy which we feel hampers the adoption of special needs children.

[The documents referred to follow:]

ἀγάπη

AGAPE SOCIAL SERVICES, INC.

1412 Jeffries, Dallas, Texas 75226
(214) 939-0540, Metro 263-9087

Linda Knight, *Executive Director*
Ann Thomas, *Director of Social Services*

June 13, 1985

David Rawlings
Senate Committee on Labor and Human Resources
Washington, D.C. 20510

Dear Mr. Rawlings:

I appreciate your call regarding the availability of adoption sudsidies for families, particularly in reference to the Ashton Avegno family of New Orleans who adopted a "special needs" handicapped child, Danielle, from our agency.

As I stated, children released to private agencies in Texas are not eligible for adoption subsidy. This problem has been a source of concerns with us for many years. One forerunner of adoption services in Texas, the Edna Gladney Home of Ft. Worth, has attempted to initiate legislation for private agencies to be eligible for Medicaid services for children. We had hoped that federal legislation passed last fall enabling "first" pregnant women to be enrolled would help our agencies with maternity expenses. However, we know that, if a woman, is planning adoption for her child, she is not eligible for Medicaid coverage.

Our agency is becoming widely known for work with "special needs" children, minority races and severe handicaps. We obtain our funding totally through fees for service and contributions. This means of operation is pertinent to most Texas private agencies. We feel we are providing a much needed services to children and feel hampered that state and federal funds are basically not available to use.

As it stands in Texas, only those children who are wards of the state are automatically eligible for Medicaid coverage and for the adoption subsidy program. We have on a case by case basis, been able to qualify some severly handicaped children for SSI benefits (although we never know if a child will be granted benefits), however these benefits are usually denied once a child is placed in adoption and the adoptive parents financial situation is reviewed.

We often receive calls from possible adoptive couples throughout the United States who are unable financially to meet our adoption fees. For many of our severly handicapped children we waive or lower our fees, however we cannot do this often and still remain in operation.

Dallas has an Interagency Adoption Council comprised of 12 private agencies operating in Dallas, the Department of Human Resources, and the local Council on Adoptable Children. The purpose of our forming this organization was to promote, foster, and educate our community on adoption needs. Recent meetings have abounded with discussions of high and spiraling medical costs, the need for unified and unilateral means of operating for the benefit of adoptive parents. We are constantly sharing facts and ideas with each other. I would welcome any reports from your committee as to the availabilty of federal services for agencies, the outcome of the Senate investigation hearing, or any ideas you may have for us.

Again thank you for calling and please let me know if you would like any more information.

Sincerely,

Linda K Knight

Linda K. Knight, CSW, ACSW
Executive Director

LKK:edt

§ 1775. Staff

The executive secretary shall designate all necessary staff from among the employees of the Department of Health and Human Resources.

Added by Acts 1976, No. 593, § 1. Amended by Acts 1978, No. 786, § 6, eff. July 17, 1978.

History and Source of Law

The 1978 amendment substituted "Department of Health and Human Resources" for "Louisiana Health and Human Resources Administration."

PART III. SUBSIDY FOR ADOPTED CHILDREN

Library References

Social Security and Public Welfare ⟸194.30.

C.J.S. Social Security and Public Welfare § 124.

§ 1790. Subsidized adoption

A. The Department of Health and Human Resources is authorized to develop and implement a program for subsidizing the adoption of children with special needs.

B. The department may make payments to the adoptive parents on behalf of a child placed for adoption in accordance with R.S. 9:421 et seq. as amended whenever:

(1) The child, because of physical or mental condition, race, age, membership in a sibling group, or other serious impediments or special needs, is considered a child that is difficult to place for adoption, if the department has made reasonable attempts to place said child for adoption to no avail, and

(2) The adoptive family is capable of providing the permanent family relationships needed by the child in all respects other than financial, and the needs of the child are beyond the economic ability and resources of the family.

Added by Acts 1978, No. 734, § 1. Amended by Acts 1979, No. 769, § 11.

History and Source of Law

The 1979 amendment replaced all references to the Office of Family Services of the Department of Health and Human Resources with the references to that department proper.

Law Review Commentaries

Persons—work of the legislature, 1978. 39 La.L.Rev. 107 (1978).

§ 1791. Costs and expenses covered

Payments in subsidy of adoption may include, but are not limited to, the maintenance costs, medical and surgical expenses, and other costs incidental to the care, training, and education of the child, including special medical costs for any child in connection with any physical or mental condition which existed prior to the date of the initial judgment of adoption. The amount of payments may vary, depending upon the needs of the child and the adoptive parents, but shall not exceed one hundred percent of the cost of providing foster care for the child. Payments for medical, surgical, psychiatric, and other special costs and services may not exceed the amount the department would pay if it were to provide or secure them as guardian of the child. Payments to the parents shall be terminated when the adoptive child becomes eighteen years of age.

Added by Acts 1978, No. 734, § 1. Amended by Acts 1979, No. 769, § 1; Acts 1982, No. 854, § 1.

History and Source of Law

The 1979 amendment substituted "department" for "Office of Family Services."

The 1982 amendment, in the second sentence, added a comma following parents and substituted "one hundred percent" for "eighty percent".

§ 1792. Eligibility

Text as amended by Acts 1981, No. 354, § 1.

A. Eligibility for payments in subsidy of adoption shall be determined and approved by the department, in accordance with rules and regulations adopted as provided by R.S. 46:1793, prior to the completion of the adoption proceeding, and shall be redetermined annually thereafter.

B. Adoptive parents who are residents of the state of Louisiana, and who are eligible to adopt a child residing in Louisiana and to receive subsidy payments for such adoption shall remain eligible to receive such payments, regardless of whether or not such adoptive parents subsequently become residents of another state, except in cases where that state has a subsidized adoption program. Whenever an eligible child has been available for adoption for at least six months and every reasonable effort has been made to place the child for adoption with Louisiana residents, adoptive parents from other states shall be eligible for a subsidy under the same conditions as Louisiana residents, except in cases where the other state has a subsidized adoption program that is available to such nonresident parents.

C. The subsidized payments, as provided herein, shall be limited to cases involving children in the custody of the Department of Health and Human Resources.

Added by Acts 1978, No. 734, § 1. Amended by Acts 1979, No. 769, § 11; Acts 1981, No. 354, § 1.

For Text as amended by Acts 1981, No. 575, § 1, see § 1792, post.

§ 1792. Eligibility

Text as amended by Acts 1981, No. 575, § 1.

A. Eligibility for payments in subsidy of adoption shall be determined and approved by the department, in accordance with rules and regulations adopted as provided by R.S. 46:1793, prior to the completion of the adoption proceeding, and shall be redetermined annually thereafter.

B. Adoptive parents who are residents of the state of Louisiana, and who are eligible to adopt a child residing in Louisiana and to receive subsidy payments for such adoption shall remain eligible to receive such payments, regardless of whether or not such adoptive parents subsequently become residents of another state. Whenever an eligible child has been available for adoption for at least six months and every reasonable effort has been made to place the child for adoption with Louisiana residents, adoptive parents from other states shall be eligible for a subsidy under the same conditions as Louisiana residents; except in cases where the other state has a subsidized adoption program that is available to such nonresident parents for the particular Louisiana child to be adopted.

C. The subsidized payments, as provided herein, shall be limited to cases involving children within the custody of the Department of Health and Human Resources.

Amended by Acts 1978, No. 734, § 1. Amended by Acts 1979, No. 769, § 11; Acts 1981, No. 575, § 1.

For text as amended by Acts 1981, No. 354, § 1, see § 1792, ante.

History and Source of Law

The 1979 amendment substituted "department" for "Office of Family Services" in the first paragraph.

Acts 1981, Nos. 354 and 575 both designated the texts of the previous first, second, and third paragraphs as subsections A, B, and C respectively; in subsection A, added ", in accordance with rules and regulations adopted as provided by R.S. 46:1793," ; and, in subsection B, added the second sentence.

Act 354, in addition to the changes made in common with Act 575 noted above, added ", except in cases where that state has a subsidized adoption program" to the first sentence of subsection B.

Both versions are printed above on authority of R.S. 24:253.

§ 1793. Rules and regulations

The Department of Health and Human Resources may adopt, promulgate, and enforce such rules and regulations as are necessary and appropriate to implement the provisions of this Part. The regulations shall be promulgated in accordance with the administrative procedure act, R.S. 49:951 et seq. as amended.

Added by Acts 1978, No. 734, § 1. Amended by Acts 1979, No. 769, § 11.

History and Source of Law

The 1979 amendment deleted, at the beginning, "The Office of Family Services through".

The **Chairman**. Do you feel that way as well?

Mr. **Avegno**. Yes.

Mrs. **Avegno**. Yes, because it is restricted to children in State custody.

The **Chairman**. Finally, what improvements do you think are needed in adoption subsidy programs? Give us the benefit of your experience.

Mr. **Avegno**. Well, the point I already made about subsidies being available on the true basis of need, not circumstances of placement. Any child who has a special need should be entitled to adoption subsidy whether they are in the care of a private agency or a public agency.

Additionally, in our experience, the adoption subsidies that are available for children in the public agencies are very confusing to the adoption parents. It is very difficult to apply for and we have seen instances of our friends who have what should be identical subsidies that are administered differently. The burden falls on the family to try and get what is really yours as a subsidy and the bureaucracy bogs down and makes it very difficult. And I think there are probably families out there who get discouraged early and never pursue it.

The **Chairman**. I want to tell you that I have great respect for the two of you. It is apparent you love your children and it is apparent that you are just the kind of people we would like to see adopt children.

This has been very, very interesting testimony to me. I want to thank my colleague Senator Metzenbaum for being with me this morning all through this hearing. It shows his great interest in these matters and let's turn to him at this time.

Senator **Metzenbaum**. Mrs. Avegno, I had the privilege of meeting Gabrielle in the corridor.

Mrs. **Avegno**. Yes; you did.

Senator **Metzenbaum**. You as well, Mr. Avegno. Excuse me for mispronouncing it.

Mr. **Avegno**. That's fine.

Senator **Metzenbaum**. I am just so overwhelmed. I have to ask you, how do you care for seven children, each one of whom has a special problem? Do you work?

Mrs. **Avegno**. No; I don't. Not outside the home.

Mr. **Avegno**. I try to work between shuffling the other kids that aren't with my wife, at the doctor's offices, try to work and try to earn a living. It's not always easy.

Senator **Metzenbaum**. What do you do?

Mr. **Avegno**. I am a structural engineer. I have an engineering practice.

Senator **Metzenbaum**. How much help do you have in the house?

Mrs. **Avegno**. The children all have assigned chores. There's a big list posted on the freezer door with who does what, when. Sometimes they do. Most of the time they don't need to be reminded forcibly to do them, but we try as much as we can to work together as a family. What we try to tell the children is that the family will only work if we all cooperate.

Senator **Metzenbaum**. Give me the ages of the eight children.

Mrs. Avegno. Our first child is our biological daughter, she is 12 years old. The next child is an adopted son from Texas, who is a perfectly normal, what is called traditional adoption. He was the healthy, white, American infant child. He is now 10 years old.

The third child is a Korean son, he is 8½ years old now. He arrived in the United States to us at the age of 8 months. He had been abandoned at birth in Korea, was very seriously malnourished and even at the age of 8 months had suffered significant emotional deprivation, so much so that at the age of 2 he had a nervous breakdown. He was diagnosed as psychotic and schizophrenic and also autistic.

The next child is a biracial girl who is now 6 years old. She was placed with us at the age of 4 weeks. She is perfectly healthy. Her special need consisted solely in the fact that she was half black and half white. At the time of her surrender to the agency, white families on the agency's list were not interested in her because she was black. Black families on the agency's list were not interested in her because she was white.

The next child to arrive in the family was Jeremy, the biracial son who is now 7 years old. He is the one who was placed by the Louisiana Department of Health and Human Resources at the age of 2½, and he has significant emotional problems because of his background.

The next child is Matthew, and the next child was Katie who came from Hong Kong last year at the age of 11. She is now 12. She has cerebral palsy and emotional problems resulting from the long years of institutionalization, and the final child is Gabrielle.

Senator Metzenbaum. Five of your seven adopted children have some kind of emotional or physical disability?

Mrs. Avegno. Yes.

Mr. Avegno. Or both.

Mrs. Avegno. Or both. All of the above.

Senator Metzenbaum. You decided at a certain point in your life that you wanted—that you had been blessed with a normal child and then a second child you adopted was fully normal physically, mentally, that you wanted to spend much of your life in trying to help children who were disadvantaged?

Mrs. Avegno. No; we didn't categorically decide that. The third child, the Korean child, was placed with us as a normal child. We were told this child was a normal, healthy Korean infant. It was not until after he arrived, of course, that we learned otherwise, that he was very, very seriously disturbed emotionally. It was after we survived Gregory's nervous breakdown and realized that adoption can make the difference between life and death to children, that we began to be more and more receptive to whatever child happened to come along.

Senator Metzenbaum. You just adopted Gabrielle rather recently. At that point were you and your husband not sort of filled up to here with the unbelievable responsibilities of caring for these children?

Mr. Avegno. Yes; we were.

Senator Metzenbaum. I know what a problem it is to take care of one, two, three, four normal children. The challenge you have accepted—on a voluntary basis—to me is incredible, and I——

Mr. AVEGNO. With our other children we really didn't think about it too long. We were committed to it after Gregory, as we said, and they just kind of came a little more naturally. We were in a situation, an agency approached us and said would you care for this child? We felt like we could and we did.

But you are right, before Gabrielle, we were feeling the pressure of it. We were feeling a lot of strain and said, this has got to be it, we can't handle any more, and we very stupidly went on what we thought was a vacation to a North American Council on Adoptable Children's Conference in Chicago. We felt this was a little break for us to get away from the kids and her picture was not—not even her picture, just a handwritten note was scribbled on the bulletin board similar to the way you see these kids' pictures here, among hundreds of others—2,000 adoptive parents—and for some reason we saw her description and it appealed to us. We felt this was a child we could help. She sounded very similar to Matthew and the experiences we had been through with him and we felt maybe we could help. But we still struggled with it because we knew reasonably that it was a crazy decision to make. We just couldn't handle any more but the more we thought about it, we really couldn't come up with any good reason to say no and only good reasons to say yes, to try to do something for her. And it is not that we are so self-righteous or crusading—we deep down inside couldn't turn our backs on her. I think a lot of adoptive parents do that same thing.

Senator METZENBAUM. When you went to Chicago, who took care of the children that were left home?

Mrs. AVEGNO. My mother and a very old friend of the family came and stayed with them. We were only gone 2½ days.

Senator METZENBAUM. They are still there now?

Mrs. AVEGNO. They are still alive. [Laughter.]

Mr. AVEGNO. We couldn't get the same people to baby-sit, but actually we loaded them up in the van and they are staying today with a friend of ours. So we were fortunate. They got a little vacation out of it. We still have our sanity. We may not have it on the return trip, but so far we are doing all right.

Senator METZENBAUM. This little baby Gabrielle, how often during the night does she have to be fed through that tube I see hanging there and I saw out in the hall?

Mrs. AVEGNO. When we first got Gabrielle she did not sleep more than 15 minutes at a time. Every 15 minutes around the clock we were up with her. After her surgery to install the gastrostomy tube, she began to do better. We have gone 4 hours between feedings. I think maybe three or four times she slept through the night in her whole life. We are grateful for those three or four nights.

Senator METZENBAUM. When she needed to be fed every 15 minutes?

Mrs. AVEGNO. Yes, she needed to be fed every 15 minutes.

Senator METZENBAUM. No help on duty, just you and your husband and the other children?

Mrs. AVEGNO. Yes.

The CHAIRMAN. Who did it?

Mrs. AVEGNO. All of us did it.

Mr. AVEGNO. We both shared. I give her about 10 to 20 percent of the help she needs and she gives me 120 percent of the help I need.

Senator METZENBAUM. Absolutely incredible. Absolutely incredible. You have six children and then take on Gabrielle as an additional responsibility.

Mrs. AVEGNO. Actually seven children and Gabrielle. Gabrielle is the eighth.

Mr. AVEGNO. Only seven were adopted.

Senator METZENBAUM. I am so overwhelmed by you.

Mr. AVEGNO. We appreciate that. I think an important thing to point out, though, is we are not that unique. There are other families out there with children like this. There are other families with more children than we have. Some with fewer, but there are people out there who are committed and I think that is important, that people are committed to these kids. There is no reason for them—and I believe that figure of 500,000—to be languishing in the system.

The CHAIRMAN. You can see on this chart up here children available for adoption in the yellow—in 1977, 202,000; in 1982, 50,000; and 1983, 574. But in the green, those are children in foster care homes.

Senator METZENBAUM. What about the financial burden on the family?

Mrs. AVEGNO. It is very burdensome.

Mr. AVEGNO. It gets very difficult. We have an adoption subsidy for Matthew which covers strictly medical care.

Senator METZENBAUM. How much is that? Whatever you spend you get back?

Mr. AVEGNO. Whatever we spend, we get back. The way the subsidy is written, we have to seek every other possible means of reimbursement. We have to go to our private insurance first, then any form of Social Security income payments or other things which we do not qualify for anyway, so basically my insurance company pays and then what they don't pay, the State eventually gets around to reimbursing us for.

Matthew is the only one we have a subsidy for. As we said before, Gabrielle is the most seriously handicapped physically and needs the most attention, and my insurance company has covered it but——

Senator METZENBAUM. Do you get a subsidy for food?

Mrs. AVEGNO. No. We applied for a maintenance subsidy 2 years ago and we were denied.

Senator METZENBAUM. What about when you go to the pediatrician? That is paid?

Mrs. AVEGNO. We pay for it, and then the State subsidy on Matthew only will reimburse us. But one problem that we have with this subsidy reimbursement is we will submit a claim and we can expect to wait maybe 6 months before that claim is reimbursed, and it is only reimbursed after four or five nasty phone calls to the State office. So it is very difficult for us—even though we are reimbursed, it is very difficult for us to be constantly putting out the money every month.

Katie's therapy for the cerebral palsy is $200 or $300 a month. There is no reimbursement. Matthew's therapy bills are about $150 a month that we have to wait to be reimbursed for. Gabrielle's most recent stay in the hospital was over $25,000.

Senator Metzenbaum That was paid by——

Mr. AVEGNO. Insurance.

Mrs. AVEGNO. Thank God.

Mr. AVEGNO. If something happens to the Hartford, I am dead.

The CHAIRMAN. I am glad you mentioned the name of the insurance company.

Mrs. AVEGNO. They deserve to be commended.

Senator METZENBAUM. When you went to court to fight for the adoption of these children, I think you said Gabrielle had an attorney——

Mrs. AVEGNO. That was Jeremy.

Senator METZENBAUM. Did you also have an attorney?

Mrs. AVEGNO. No.

Senator METZENBAUM. You went by yourself?

Mrs. AVEGNO. At the time of the final decree, we had an attorney.

Mr. AVEGNO. But not during the termination proceedings.

Mrs. AVEGNO. I have a father, sister, and brother who are attorneys. So we never have to hire an attorney.

Mr. AVEGNO. One of whom is sitting in the back.

Senator METZENBAUM. Do you suppose there is a difference between the way social workers in private agencies approach adoptions as opposed to social workers in public agencies?

Mr. AVEGNO. In our experience there has been a definite difference.

Senator METZENBAUM. Would you tell us what it is?

Mr. AVEGNO. I think it is just a matter of attitude and approach to adoption. The private agencies, in our experience have approached it from a much more humanistic and open sense in that they have a better feel for being able to study a family, know if it is a good family or not, and be able to appropriately match children when all the information is available to them.

What we have experienced in the public agency is that the workers we have encountered do not seem to have any ability to distinguish a good family from a bad one, and an appropriate child from an inappropriate child, and there are many children that our family is not right for and vice versa.

I think what happens is that in the public agency, workers flow through the system much too fast. You have a worker who is an adoption worker today, and tomorrow she is in Medicaid payments, and they go from one thing to the next. And while they are in whatever department they are in, while they are in adoptions, they spend a large quantity of their time in training sessions, which theoretically might be good, but they never get a chance to put it into practice. And it is just a huge conglomeration of ineptness in our opinion.

What happens is that you have some workers who maybe stay in that division and stay on the line, but they were not appropriately trained either, and they are training the new ones and you get the same inbreeding of ineptitude and it is very difficult. It is very difficult to fight.

We have worked a lot with the public agency in Louisiana. We worked, came up to Washington and went through a training session with the workers down there, and went back and tried to train some to work in adoptive parent training sessions, and finally we had to give it up. We got burnt out, as Mr. Hester said previously, because we could not make it move in the direction we thought it should be moving in such as appropriately placing children with appropriate families.

Senator **Metzenbaum**. Mr. and Mrs. Avegno, every day on our TV tubes and in our newspapers, there are headlines about somebody who shoots up some other people, some terrorist activities, but really I think you are the news. I just think that more people in America should understand there are people like you out there. I know it is very reassuring to me, and I, as a devoted grandparent and loving father, just want to say thank you for being what you are. You are fantastic.

Mrs. **Avegno**. Thank you very much.

The **Chairman**. Thank you, Senator Metzenbaum.

I just want to say that I do not know that I ever met two better people, and to meet you this way is extraordinary, and I just want to tell you, Mrs. Avegno, you are a truly beautiful woman in every way. And you are a very humble and good man. I think as a couple you exemplify the best America has to offer, and it is apparent to me you value human life very, very much.

Mrs. **Avegno**. Thank you very much. We appreciate very much all the efforts you have made in conducting this hearing and in the right to life amendment. We very much appreciate your work.

The **Chairman**. Thank you very much.

We are so appreciative to have you here and I have never heard testimony that touched my heart as much as I have heard here today, including your own, and I just want to thank you again.

Mrs. **Avegno**. Thank you.

Mr. **Avegno**. Thank you very much.

[The prepared statement of Mr. and Mrs. Avegno follows:]

Written Statement Submitted to

The U.S. Senate Committee on Labor and Human Resources

In Conjunction with Committee Hearings

Addressing "Barriers to Adoption"

I. INTRODUCTION

During the last decade, the plight of homeless children, of children waiting for families, has become more and more publicized in our country. As individuals and as a nation, we have been made increasingly aware of the thousands upon thousands of children who are without families, without permanence, without the roots that we have recently come to regard as such an important part of our national self-understanding.

Concurrent with this heightened consciousness, and as a consequence of it, has been the redefining of both the concept and the institution of adoption. Adoption is no longer viewed as a service to childless couples who need help in fulfilling their desire to become parents. Its focus instead has been on the waiting child and his need, his right, to the permanent, secure environment provided by caring, stable parents and perhaps some brothers and sisters. Such a child-oriented, rather than parent-oriented, understanding of adoption has had as one of its most far-reaching effects the rather jolting realization that this right to belong to a family is the right due every child; that is, that the old standards by which certain children were judged "unsuitable for adoption", "unadoptable", or even "hard-to-place" could no longer be justified.

In the last several years, then, two very important things have happened in our society in regard to children without families. First of all, we have finally admitted, on local as well as on national levels, that we do indeed have a very serious orphan problem (although we dislike the word "orphan" intensely and prefer to delude ourselves into thinking that a country as advanced, sophisticated, and liberated as ours has very few real orphans -- only "children waiting for families"). Secondly, we have come to see that adoption, in the brave new form that it has recently assumed, is in some crucial way the answer to a substantial part of the problem.

And so, in characteristically zealous American fashion, we have undertaken the task of solving our problem. We have been quite busy writing and enacting legislation. We now have P.L. 95-266 The Adoption Opportunities Act and P.L. 96-272 The Adoption Assistance and Child Welfare Act on the national level. On state levels, we have laws dealing with termination of parental rights, indentification and registration of local adoptable children, adoption subsidy legislation, foster care and adoption practice reforms, etc., etc,. etc. We have hosts of Plans (all of them Permanent, of course!) and myriads of reviews -- judicial review, external review, internal review, citizen review. We have new slogans -- "No child is unadoptable!" "Every child deserves a home of his own!" -- and new organizations with their corresponding acronyms such as the North American Council on Adoptable Children (NACAC), the National Committee for Adoption (NCFA), Organization for a United Response (OURS), etc. We have Tuesday's Child, Wednesday's Child and a child for every other day of the week. We have

"Special Needs Children" (instead of hard-to-place children); we have "challenged children" (instead of handicapped children).

And we still have, in the United States of America, at this very moment, approximately 750,000 children who do not live in permanent families.

The purpose of this statement is not to criticize these recent legislative and social advances that unquestionably have done so much to address the problems of our waiting children. However, neither is it the purpose of this statement to assume complacently that all that needs to be done in the field of adoption advocacy has already been legislated or mandated or decreed and that it is simply a matter of time before our innovative and creative new policies solve our problems for us. The purpose of this statement is to focus thoughtful, analytical attention on the barriers to adoption that still exist in our society. These barriers, because they are often less tangible, less quantifiable than the major obstacles we have already removed in the last decade, are all the more difficult to identify and to eradicate. Furthermore, many of these new barriers are stubbornly and paradoxically related to some of the very solutions that we have devised to correct the problems associated with special needs adoption.

Specifically, we will discuss in this statement three major barriers: (1) faulty attitudes or perceptions about special needs adoption as barriers to adoption; (2) the foster care system itself as a barrier to adoption; and (3) inadequacies or hazards inherent in some current pre- and post- placement services as barriers to adoption.

II. THE FIRST BARRIER TO ADOPTION: FAULTY ATTITUDES

The first obstacle to adoption that we will discuss, because it is so very intangible, is perhaps the most difficult to overcome. Ostensibly, there has been a revolution in adoption theory and adoption practice. Children of all ages, races, conditions, and descriptions are openly presented to the public for adoption. Social workers and child-placing agencies speak confidently about such things as adoptive parent training sessions, self-assessment of prospective adoptive parents, and the latest refinements in the ubiquitous permanency planning models. Adoption advocacy groups no longer even flinch at the thought of challenging social, legislative, or judicial policies that appear to undermine the recent advances in special needs adoption. In so many areas and in so many ways, the adoption of all waiting children, particularly those with special needs, has come to the forefront of our child welfare consciousness.

However, although we prefer to deny them, try very hard to suppress them, and do all we can not to admit their existence, there are still many attitudes and perceptions in our understanding of special needs adoption that hinder, rather than help, the accomplishment of our well-intentioned goals. These attitudes appear to be deeply ingrained, largely unconscious, and extremely pervasive, existing simultaneously among social workers, prospective adoptive parents, health care professionals, and the public at large. Our preaching of the Gospel of Special Needs Adoption has been eloquent indeed, but we are not always practicing what we preach.

Our social workers, particularly those in public child-placing agencies, have been saturated with training sessions, seminars, workshops and literature on the whys and wherefores of placing children with special needs in adoptive families. Unfortunately, however, hours spent in training sessions are no substitue for good, solid case work practice and for direct field experience with the realities of special needs children. As we have learned through painful experience, some social workers all too often engage in flawed and even dangerous social work practice such as the following:

(1) failure to meet the child and/or the adopting family prior to placement. Our fifth child, Jeremy, was placed with us at the age of two years eight months by the Louisiana Department of Health and Human Resources. His worker was not present at the time of placement and, despite our repeated attempts to contact her following the placement, did not meet the child or us until he had resided in our home for more than a month. Our sixth child, Matthew (placed by LA-DHHR at age 4 weeks) and our eighth child, Gabrielle (placed by a voluntary agency from another state at age 7 weeks) were both critically ill infants at the times of their respective placements. Neither had ever been seen by the social workers who made the placements.

(2) ignorance of and/or failure to provide accurate psychological information on special needs children. We have reason to suspect that some form of sexual abuse may have befallen Jeremy prior to his adoptive placement. Despite repeated requests for information and repeated efforts to untangle the child's confusing emotional history, it has proven impossible for us to ascertain what really happened to this child in his earliest years of life. Our seventh child, Katie, arrived in our home at the age of eleven years after having spent nine years in an institution for physically handicapped children. We had been told very little about her emotional condition and what we were told indicated relatively normal psychological development, considering the circumstances of her institutionalization. Crucial information concerning her relationship with one of the administrators of the institution and the ways in which she related to the other children in the institution and extremely important details about her last few weeks in the institution before coming into our family were either minimized or withheld completely from us until after her arrival. Months and months of bizarre behavior, frustration, anger, and general misery for the entire family could have been significantly reduced, we believe, had we known more of the truth about Katie's damaged psyche.

(3) ignorance of and/or failure to provide accurate medical information on special needs children. Good solid social work practice can sometimes literally mean the difference between life and death for a child, as our experience with Matthew has taught us. Matthew is the product of an incestuous relationship between a sixteen year old girl and her own father. (In addition, this girl, Matthew's mother, is the child of her father and her father's mother). He was surrendered at birth to the State, spent the first two weeks of his life in the Neonatal Intensive Care Nursery of a large public hospital in New Orleans, and was then transfered to a state funded receiving home for handicapped infants. He brought with him the official designation "FLK" (Funny Looking Kid) and had been mislabeled a Downs' Syndrome child. These two misdiagnoses, coupled with the complete failure of all those around him to notice what was really happening to him, totally obscured his true medical conditions and nearly cost him his life. When we picked Matthew up from the receiving home (alone, without assistance from his social worker who did not accompany us and who had never even seen Matthew), we were handed a child who was blind from extensive congenital brain damage; was on the verge of death from extreme failure to thrive; had reverted to a fetal position and could not be moved out of it; had a collapsed lung and was suffering from aspiration pnuemonia; and was totally incapable of taking any form of nourishment. The people who had cared for him during the first weeks of life, both in the hospital and in the receiving home

and including his state social worker, were either completely ignorant of Matthew's real medical condition -- which is reprehensible -- or else they deliberately failed to inform us, which is worse.

(4) failure to observe correct legal procedure in freeing children for adoption and/or failure to provide accurate legal information to the adopting family. When our attorney was preparing to file the papers to finalize Matthew's adoption, he realized that the social worker who had been involved with obtaining the legal surrender from the biological mother had not signed the document, thereby jeopardizing the validity of the surrender. In Jeremy's case, we were told at the time of his placement that Jeremy was legally freed for adoption, when in fact not even the first steps had been taken to make him legally free. Jeremy's termination dragged on for seventeen months and was repeatedly mishandled.

In addition to poor social work practice, another problem to which social workers are susceptible is a difficulty believing that a prospective adoptive family could really, sincerely, want to adopt a special needs child and could actually enjoy doing so. "Why in the world would you want to adopt a child like that?" "Are you sure you want to adopt HIM?" "Why don't you not adopt him -- just keep him in foster care. He won't know the difference anyway." These statements are not uncommonly heard by parents who are adopting physically or mentally handicapped or emotionally disturbed children. Most telling of all these comments, in terms of how it betrays a faulty attitude toward adoption, is the sentence "He won't know the difference (between foster care and adoption) anyway." Adoption confers a life-long legal status and ratifies a powerful emotional bond between parent and child that should in no way depend upon the child's mental or physical ability to comprehend it. A child may be too mentally retarded to understand the meaning of his final adoption decree, and he may be too blind even to see the words typed on the page, but he is no less worthy than any other child to belong legally and permanently to a loving family.

Prospective adoptive families are not without their misconceptions either. Most prevalent among hopeful, idealistic, altruistic prospective adoptive applicants is what one perceptive adoptive mother has dubbed the "Heidi Syndrome". As they anxiously await the moment of placement, most adoptive families -- no matter how many adoption training sessions they have attended or how many of Claudia Jewett's books they have read -- fantasize about the moment when their newly arrived child, arms outstretched and face glowing with love, runs into Mommy's open arms and whispers "Thank you so much for adopting me!" Reality, unfortunately, is a great deal ruder than myth.

Adoptive families need to learn that the goal of the adoption process is not the day of placement itself, but rather the entire post-placement living with the child on a day-to-day basis, forever. An "approved" adoptive family must understand itself as a family that is as ready, prepared, and educated as possible to accept the challenges of parenting a special needs child and not as a family that has simply completed all the adoption forms and survived all the interviews and training sessions. Above all, adoptive families must realize that the adoption of a special needs child is a radical, life-changing decision, one that requires a very strong commitment to a sometimes very difficult and very needy human being.

Health care professionals form another segment of our society whose faulty attitudes toward special needs adoption often serve in subtle yet powerful ways to discourage and disparage this type of adoption. Parents who adopt severely handicapped or seriously ill children have been told by doctors such things as "I have no time for this child. He's better off in an institution -- or dead -- anyway. Why do you care what happens to him? He isn't really yours." It is assumed -- erroneously -- that adoptive parents do not feel the same deep emotional tie to their children that birth parents do so that bad news about a child's medical condition or poor prognosis will not be upsetting to them. One adoptive mother in our local adoptive parents organization was called a fool to her face by her pediatrician and many doctors are genuinely bewildered by large, multi-ethnic, special needs families. Furthermore, special needs adoption often becomes the scapegoat for any and all difficulties for which a family might seek professional help. Whenever a special needs adoptive family is having a problem (physical or emotional) with any member of the family (biological or adopted) the immediate diagnosis is often that the family's weird commitment to special needs adoption has created an abnormal, unhealthy family environment likely to produce any sort of ailment from epilepsy to psychosis.

This attitude of indifference was demonstrated to us most graphically recently when our youngest child, Gabrielle, was hospitalized. Gabrielle suffers from an incurable genetic disorder that produces a number of serious defects and disabilities, among them feeding and respiratory problems. A high percentage of children born with her particular chromosomal abnormality do not survive childhood. While it is true that nothing can be done to correct her underlying genetic disorder, it is also true that a number of medical procedures are available to alleviate some of the more serious manifestations of her basic problem. To date, Gabrielle has been hospitalized three times because of serious respiratory problems associated with her genetic condition and because of possible cardiac complications. During the second hospitalization, which occurred at a large, well-known university affiliated hospital, doctors were extremely reluctant to give her even the most basic and least aggressive of treatments. Despite obvious breathing difficulty, she was not placed under oxygen; she was not given routine cardio-pulmonary therapy; she did not receive any medication to improve her lungs or enhance her respiratory function. Our daily requests for a pulmonary consultation were denied. By the time of her discharge from this hospital, her condition had deteriorated so drastically that she had to be hospitalized again and very nearly did not survive. Fortunately for her and for our family, this third hospitalization occurred at Children's Hospital of New Orleans, where she was treated with great dignity and respect. Her chances of surviving her first years, while still limited, are now at least greatly improved.

Besides social workers, prospective adoptive parents, and health care professionals -- all of whom come in direct contact with special needs adoption -- the general public seems also to have a distorted image of special needs adoption and the families who commit themselves to it. It is a very common perception that foster parents of special needs children are a selfless and noble group, as indeed they are. Genuine respect seems to be accorded them, and this respect seems to be based on two things. First, foster parents are perceived (rightly or wrongly) as being more separated, more distant from the child they foster; that is, their emotional attachment to the children they care for is understood by the public at large to be somewhat tenuous and limited. Secondly, foster parents are reimbursed (as the public sees it) for their work with foster children and, in keeping with American pragmatism and materialism, this is seen as a just and worthwhile expenditure of money for services performed.

On the other hand, while parents who adopt special needs children are also respected, there is often a great deal of incredulity and skepticism mixed in with the professed admiration of the general public. "I think you're WONDERFUL!" is often a thinly veiled "I think you are out of your mind." "You must be a saint!" is frequently really synonymous with "You're the biggest fool I've ever seen." "I could never do it" sometimes really translates into "You're crazy if you think you can."

The reason for this shift in public attitude seems to involve, again, the emotional attachment required in special needs adoption and the aspect of financial compensation. It is apparently difficult for some people in our society to believe that the same kind of strong, unyielding emotional bond that exists biologically between parent and child in a healthy family relationship can also exist in adoption, particularly when that adoption involves a less-than-perfect child or a child of a different racial or cultural background than the adoptive parents. Secondly, because adoptive parents are generally not reimbursed (adoption subsidies notwithstanding), they are often looked upon with skepticism. Why would anyone voluntarily choose to live with handicapped, retarded, or emotionally distrubed children and not even get paid for it? We have not yet moved completely away from putting a price tag on the worth of our children.

III. THE SECOND BARRIER TO ADOPTION: THE SYSTEM

The second major obstacle to successful special needs adoption that we will discuss in this presentation is related to the institution of foster care itself. Thanks to our contemporary understanding of successful child welfare techniques, foster care and adoption are no longer maintained as separate and mutually exclusive entities. The staunch segregation that once divided foster families from adoptive families has diminished, and foster care and adoption are now viewed as partners in a continuum of services provided to needy children. There are innumerable social workers, foster parents, and adoptive parents who will testify to the benefits that this blurring of the traditional destinction between foster care and adoption has brought their children. There is likewise a great deal of child welfare literature in support of such present day practices as foster parent adoptions and adoptive parents serving simultaneously as foster parents to some of the children in their care. It is true that this commingling of foster and adoptive parenting has indeed meant permanence and security for many, many children, but, we submit, this tendency to blend the two types of parenting is not without disadvantages.

It should be noted here that it is not the purpose of this presentation to oppose all foster parent adoptions. We agree that foster parent adoption can indeed be the best plan for a child in certain circumstances and that removing him from a family he loves and trusts simply to place him in another family designated "adoptive" makes little sense. Our intention here is simply to warn against using foster parent adoption as a panacea, or as the ultimate solution to the problem of special needs adoption.

In the first place, the emphasis on the similarities between foster care and adoption (i.e., that each provides a loving, stable home for a homeless child) and the corresponding de-emphasis on the differences (i.e., that one is temporary and revocable while the other is permanent and irrevocable) seems to be causing some confusion in the minds of many people. There is today a tendency to equate foster care and adoption and there is a corresponding tendency to minimize the crucial legal and emotional distinctions between the two. The legally binding, permanent family status conferred by adoption is mistakenly understood as secondary in importance to the emotional bond that exists between a child and his family, regardless of the legal status of that family.

There is a fallacy in this position, however. The power of the emotional bond among family members is, in large measure, unconsciously related to a sense of the inviolability and the permanence of that bond. Biological members of a healthy, functioning family know instinctively that they belong together and that the relationships that bind them are not easily or lightly abrogated. Adoptive members of a family likewise know that their relationships are not only based on emotional affinity, but are also sanctioned by law and, again, are not easily terminated. Foster members, in contrast, have no such instinctive knowledge and no such force of law to support them in their relationships and, no matter how hard we try to eliminate the distinctions between foster care and adoption, the one essential difference of legally conferred, permanent binding family status remains. Furthermore, it has been our experience as adoptive parents that even the youngest of children intuitively understands this fact. Our son Jeremy was less than three years of age when we adopted him, yet he knew quite certainly that he was a child without a name, without a family.

Secondly, because of the very strong tendency to allow foster parents to adopt foster children who become legally available for adoption while in their care, some parents enter into foster care with erroneous expectations. Prospective adoptive parents, that is, parents who are childless and who feel a deep need for a child, are usually very frustrated in their search for adoptive children. Traditional infant adoptions involve waiting periods of up to five years or more because of the large numbers of hopeful applicants and the small number of available babies. Furthermore, traditional adoptions cost, on the average, $5000 to $7000 and they are more subject to more stringent requirements concerning the age of the applicants, the length of marriage, their income, etc. Older adoptable children, perceived as set in their ways and not particularly malleable, do not appeal to many prospective adoptive parents. Handicapped, emotionally disturbed, or racially mixed children available for adoption appear too challenging or too frightening to many first-time parents.

On the other hand, the widely-publicized availability of foster children, the generally young age of many of these children, the knowledge that foster parents are now able to adopt their foster children, and even the insistence of some social workers that families "try out" a child in foster care while waiting to adopt all encourage certain families who are really adoption-oriented to enter foster care instead of adoption. Not always do these families screen themselves out of foster parent training sessions and not always do these families receive the children who are the most likely candidates for adoption. In such situations, the parents' expectations can be destroyed; the child's expectations are damaged; and a great deal of bitterness and frustration result.

Thirdly, it is interesting to note that the opposite of what we have discussed above is sometimes true also. Because of the current emphasis on foster parent adoptions, some social workers feel that all foster parents should automatically adopt their foster children when this becomes legally possible. (This, incidentally, eliminates the need for the already overworked case worker to recruit a good adoptive family). Many foster parents wish to be traditional foster parents; that is, they understand their function as one of providing a temporary, stable, affectionate, transitional environment that will allow a child the emotional time and space he needs to move from his disrupted biological home into a new adoptive family. Some of these foster parents are being pressured and even threatened into adopting foster children. One foster mother of a severely handicapped child was told by her worker that, by law, she had to adopt the child immediately upon availability or else the child would have to be committed to an institution!

Related to this discussion of foster parent adoption is the concept of adoption subsidies. These subsidies were designed in large part to remove financial barriers and thereby to encourage foster parent adoptions by assuring the foster family that the adoption of the special needs foster child would not impose an insurmountable financial burden. The purpose of the subsidy, then, was to remove limited financial resources as a barrier to adoption, particularly foster parent adoption.

Unfortunately, although subsidized adoption legislation has at least technically eliminated the financial barriers to special needs adoption in some cases, these adoption subsidy regulation have not been as successful as expected in encouraging foster parents to adopt. Some foster parents are refusing to adopt, declaring that the subsidy provisions are incomplete and not guaranteed. However, from our perspective, the financial argument presented as a lack of faith in the subsidy system is only a small part of a larger barrier. We feel that the deeper reason actually involves an unwillingness on the part of some prospective parents to make the final, total, complete commitment to both the emotional and financial aspects of parenting that adoption requires. Recalling the basic difference between foster care and adoption discussed above makes this unwillingness understandable. The foster care commitment affords the security of unstigmatized return of the foster child should something unexpected occur which makes the placement untenable. The adoption commitment, on the other hand, implies that the parents be willing to accept and handle, without the option of return, any situation that may present itself. Human nature causes us to fear the unknown much more than the familiar, and it is, we feel, this fear of the unknown that some foster parents are encountering when they decline to adopt on the grounds of insufficient subsidy guarantees. Once again, we would like to point out here that our intention is not to criticize foster parents who choose not to adopt, but to assert that foster parents should not be pressured into adopting special needs children through the incentive of an adoption subsidy. Foster parent adoption may be one part of the solution to the many faceted problem of finding permanent homes for waiting special needs children, but it should not be looked upon as the only or the final answer.

Besides the above-mentioned difficulties relating to adoption subsidies, other barriers exist which serve to diminish the positive aspects of subsidized adoption. It has been our experience that adoption subsidies have been awarded under circumstances of confusion and inconsistency. The guidelines and criteria for subsidy eligibility are not given to prospective parents; instead, applicants are told only to complete the "appropriate" forms requesting a subsidy and submit them to the state office which will inform them if they qualify. In the instance of medical subsidies, the methods of payment/reimbursement seem to vary widely with each case. We have a medical subsidy for our son Matthew which requires that we pay all of his medical bills first, either personally or through our private medical insurance. Any expenses not covered by insurance are then reimbursed by the state. It generally takes several months for our request to be processed and for the check to be issued. Another family in our adoptive parents' group also has a subsidy for their adopted handicapped child. However, their subsidy provides for direct payment of all medical expenses by the state to the provider of the medical services; they were actually told by subsidy officials that they could not be reimbursed for expenses they have paid personally. Still another family in our group has received a Medicaid card for their child as part of the medical subsidy agreement, whereas we were informed that Medicaid would be impossible for Matthew even though our income and that of this family is very similar.

An additional barrier, and perhaps the most serious one related to adoption subsidies, is the fact that these subsidies are administered on the basis of circumstance of surrender rather than on the actual medical needs of the child. According to current practice, subsidies are only available for children who are in the custody of, and who are placed by, the public agencies such as, in our case, the Louisiana Department of Health and Human Resources. Special needs children -- no matter how great the need, how serious the handicap, or how difficult the placement -- who are in the custody of a state's licensed, private child-placing agencies are not eligible for an adoption subsidy. Our youngest and most critically handicapped child, Gabrielle, was placed jointly by a voluntary agency in a neighboring state and one in Louisiana. Despite her many severe handicaps, she is not eligible for a subsidy from either state, simply because she was never in the direct custody of either public agency. Had this same child been placed by one of the public agencies, full medical subsidies would have been granted. We are very fortunate in that our medical insurance carrier (The Hartford) has agreed to cover Gabrielle under all normal provisions of the policy without exclusion. Nevertheless, we are still personally responsible for that portion of her medical expenses not covered by the policy, which, in Gabrielle's case, can be expected to amount to a considerable sum of money. For example, in addition to her other expenses this year which are not reimbursable, we are about to incur the costs of two tiny hearing aids which, we hope, will give Gabrielle at least a minimal degree of hearing. We do not yet know for certain if the insurance policy will cover the cost of the aids, but it is quite probable that it will not and it will therefore be necessary for us to raise the money. A similar situation exists for our daughter Katie who has mild cerebral palsy. While we are extremely fortunate to have the medical insurance that we have, other adoptive parents have learned that many insurance companies restrict coverage for adopted children with special needs or exclude these children from coverage completely under their "pre-existing conditions" clauses. Limited subsidy availability and restricted insurance benefits for special needs adopted children, then, often combine to prevent many excellent families from adopting.

This current practice of granting adoption subsidies only to children in state custody is related to the misconception that only the public agencies care for and place special needs children. In fact, even without adoption subsidies, private adoption agencies have placed many special needs children and will continue to do so. However, we feel that many, many more children could be placed by these agencies if the subsidy regulations were broadened to include all children who need them, regardless of the status -- public or private -- of the placing agency. All too frequently, the denial of medical subsidies to children in the custody of private child-caring agencies who could, in most instances, readily place such a child with a carefully screened family means that the child has to be referred instead to the public sector. The child is therefore forced to enter the already over-burdened foster care system where his movement into an adoptive home is greatly slowed down or even completely prevented -- all at an unnecessary human and monetary cost.

Furthermore, restricting subsidies to public agencies only has the unfortunate effect of promoting a hostile relationship between these public agencies and their private counterparts. This tends to create strong territorial boundaries within the adoption profession which only serve to foster animosity and hinder the effective practice of good social work in the placement of special needs children. Private agencies often perceive the public department as an unyielding structure that maintains an inexorable grip on the thousands of children in its care and on the funds at its disposal to help place these children. Although the private agencies are the ones who are generally more successful in recruiting and cultivating prospective families, they are frequently frustrated by the inaccessibility of the children in state care. The public agency, on the other hand, is anxious to demonstrate its competence in the child welfare field and is therefore reluctant to use a family offered by an "outside" source. Granting adoption subsidies on the basis of which agency has custody, rather than on the actual needs of the child, tends to exacerbate this unfortunate situation.

IV. THE THIRD BARRIER TO ADOPTION: INADEQUACIES IN PRE- AND POST- ADOPTIVE PLACEMENT SERVICES

The third major obstacle to the adoption of special needs children that will be discussed in this presentation is a broad one, involving inadequacies in current pre- and post- adoptive placement methods. Again, we recognize that advances have been made recently in making communities aware of the homeless children in their midst, in recruiting appropriate adoptive families, in preparing these families to parent challenging special needs children, and in supporting these newly created families through finalization and beyond. Again, however, we wish to point out the dangers of complacently believing that the new techniques will automatically eliminate the old barriers.

We will examine here issues related to:

(1) media recruitment of prospective families through the presentation of waiting adoptable children on television;
(2) the group homestudy process currently in vogue;
(3) disruption or dissolution of adoptive placements.

The term "media recruitment" has, in the last few years, become virtually synonymous with the television presentation of a homeless child. Radio, newspaper, and communications media other than television have proven far less effective than television in eliciting a response from potential adoptive parents and a considerable number of television markets regularly incorporate adoption recruitment features into their programming schedules. There are statistics in abundance to verify the success of media recruitment, but this success has not been without its price.

Once a waiting child has been televised, enormous pressures come to bear upon everyone involved. The child, the worker, the worker's supervisor, the television station, and the community at large all want to see a happy ending to the orphan story -- and they want to see it quickly. It is difficult for a child to understand why months must elapse before he goes to live happily ever after with the new adoptive family that is surely watching him on TV. His worker knows his vulnerability, and is willing to do everything possible to shorten, or sometimes even circumvent, the waiting. Supervisors and higher agency personnel, under pressure from their superiors, are anxious to be able to place as many checkmarks as possible in the adoption column. The television station, ever-mindful of ratings and of gaining a reputation as responsible and community-oriented, is eager to feature happy follow-up reports of grateful children united with delighted parents. Finally, the community as a whole wants to understand itself as caring, concerned, and responsive to the needs of even its youngest citizens.

And so, the pressure to place mounts. Indeed, so intense is the focus on placing televised children quickly that good, solid social work practice is occasionally subordinated to expediency, and inappropriate placements result. In some instances of which we are personally aware, potential adoptive families are receiving children before completing the required adoptive parent training sessions and even before their adoptive homestudies are completed and approved.

In addition, some families are being drawn into special needs adoption through media recruitment with erroneous or inappropriate expectations of what parenting a challenging special needs child is really like. Because every effort is of course made to present the child in the most flattering light, important information about the child's background or condition is being glossed over -- or omitted entirely -- until the placement is made and the family finds itself unable to cope with problems that it never knew existed. The innocent freckled face on the screen is the image that becomes indelibly imprinted on the hearts of prospective adoptive parents and they sometimes refuse to believe the hard truth about the child and his past when and if they finally hear it. A great deal of skill and sensitivity is required of caseworkers and television personnel to present a child in a way that is both favorable and realistic, a way that will avoid perpetuating the "Heidi Syndrome" discussed earlier.

There are a number of other factors that can combine to attract inappropiate families to special needs adoption, namely:

(1) the extensive publicity given these children;
(2) their obvious availability (contrasted with the unavailability of more traditional adoption resources);
(3) the generally lower, or, in some cases, non-existent adoption fees for special needs adoption;
(4) the speed with which these children are usually placed;
(5) the minimal restrictions in terms of parental age, number of children already in the home, income level, etc.;
(6) the popular (mis)conception that all a child needs is love and that once he has a family all his other problems, no matter what they are, will automatically disappear;
(7) the sense of pressure and guilt that comes from seeing a fellow human being in need and not doing anything about it.

None of these factors, in itself, is necessarily wrong or necessarily indicates that a family is not appropriate as an adoptive family. Neither, however, are these factors sufficient reasons in and of themselves for the adoption of a special needs child, and each area should be honestly and exhaustively explored by a prospective adoptive parent before the decision to proceed in special needs adoption is made.

Very closely related to this idea of the assessment of a potential adoptive family's motives for adoption that we have just mentioned is the currently widely-used practice of group adoption training sessions. Popular and successful, these sessions, at which groups of prospective adoptive parents come together under the direction of a social worker to learn about the challenges and rewards of adoptive parenting from veteran adoptive families and to conduct their own homestudies, are more and more the rule rather than the exception.

Despite the popularity and apparent success of this technique, however, certain fundamental questions need to be continually raised. Does the group homestudy/adoption training process -- in whatever form it has assumed in a particular agency -- allow enough interaction between social worker and prospective adoptive parents? Does the social worker really have the opportunity to get to know each potential family in such a way that she can provide accurate and sensitive guidance to the family? Does the process allow inappropriate families to screen themselves out quickly and without embarrassment and, if not, is the social worder prepared and able to perform this unpleasant task? Does the process place too much responsibility on the (perhaps) inexperienced and intimidated prospective parents for selecting their own child (that is, does it simply relieve the social worker of making the sometimes difficult and even frightening decision of which waiting parents get which waiting child)? Does placement occur too quickly after the completion of the training sessions -- before parents really digest and assimilate all that they have seen and read and heard -- or does placement occur so slowly that parents forget everything they supposedly learned and become discouraged? And, finally, does it place too much responsibility on the prospective adoptive parents for the success or failure of the placement that is made? Unfortunately, it has been our experience with the group training program sponsored by a local agency that these questions are all too frequently answered in a way that is most detrimental to the successful union of waiting children and waiting families.

Lastly, we arrive at the unpleasant topic of disruption or dissolution, that is, the disintegration of the adoptive placement that results in the child's removal from the adoptive home. In our view, whether the disruption occurs before or after the final adoption decree is awarded is irrelevant. Ten days or ten years after placement, the dissolution of the family is still tragic and the question "How could this have been avoided" still applies.

It is our purpose here to examine two attitudes toward the phenomenon of disruption that, unfortunately, are still prevalent. The first of these is the very subtle, yet very persistent, notion that disruption in special needs adoption is expected. Special needs adoption is difficult; the children are extremely challenging; there are so many variables involved that, despite all our preparations and our good intentions, a disruption rate of 12% to 20% is considered acceptable -- unfortunate, to be sure, but nonetheless acceptable. We have tamed disruption and, painful though it is, we have learned to live with it.

Indeed, we have learned too well.

For some workers and for some adoptive parents, disruption has become too easy, too available. Not very far below our conscious level of thought is the unconscious realization that, if our special needs adoption does not quite conform to our expectations, we can terminate it. In our world of disposable beer cans and disposable diapers, our children are disposable too. Like no-fault insurance and no-fault divorce, no-fault adoption offers us a tidy solution to a tragic and complex problem.

In other situations, paradoxically, adoptive parents are held almost completely and exclusively responsible for the success or failure of the adoptive placement. This attitude prevails despite the fact that the placement may have been totally inappropriate from the start. More than once we have watched families in our adoptive parents' group receive children who were totally incapable of fitting into the family structure. In some cases, the children were psychologically incapable of functioning in any family setting and were so deeply scarred that they were not able to form even the most primitive of human relationships. Doomed to failure from the very beginning, these totally erroneous placements served only to further damage the children involved and to seriously jeopardize the health of the previously well-integrated families who tried to parent them. Despite our fine-sounding slogans, some children have been so devastated by the harsh realities of their lives that they truly may be unadoptable. It is imperative that we recognize these children and do all in our power to assist them in reordering their emotional lives before trying to place them in adoptive families. Blindly and randomly throwing such children into the first available family with only the most superficial understanding of the needs and expectations of both parties and with the naive notion that "Love conquers all" is disastrous. Sometimes and for some children, love simply is not enough.

In placements that do have a chance of survival, the importance of ongoing support for child and family cannot be overemphasized. All too often, the inspiring-sounding network of post-placement support services that was so confidently promised during the adoptive training sessions turns out to be a rather nebulous and unreliable thing. The dominant attitude in this instance is "YOU asked for this child, YOU got him, now YOU live with him." Twice, for two different children, we have had the heartbreaking task of calling social workers to say that the babies were critically ill and would, in all probability, not survive. Our telephone calls were not returned, our written notes were never answered. Although these two incidents happened two years apart, involved two different agencies and social workers, and, fortunately, ended with the children living through their illnesses (at least to date), we have never received a response.

V. CONCLUSION

In summary, this presentation has attempted to address some of the barriers to special needs adoption that still exist in our society. Although we have today an abundance of laws, plans, and procedures that have significantly reformed our child welfare practices as these relate specifically to the adoption of special needs children, our foster homes and institutions are still filled to overflowing with children who have no legal parents. What we have mandated in theory, we have not yet implemented in fact.

We cannot content ourselves with a superficial adherence to the intent of our new-found understanding of adoption. We must instead work diligently and convincingly to change inappropriate attitudes, to refine our interpretation of the relationship between foster care and adoption, and to intensify our pre- and post- placement support services so that the needs of our children and their new adoptive families will be promptly and effectively met. In short, we can allow nothing -- neither laws, nor guideline, nor theories, nor anything else -- to substitute for good, solid, sensitive, knowledgeable social work practice.

The CHAIRMAN. Thanks for bringing Gabrielle with you.

Senator METZENBAUM. Give Gabrielle a little kiss for me.

The CHAIRMAN. That is right.

Senator, while you are agreeing to work on legislation in this area, I would like to call your attention to my bill, one of my bills, S. 856, which would amend the Internal Revenue Code of 1954 to allow the deduction for certain expenses paid or incurred by an individual in connection with the adoption of a child, which would help people like these to adopt children. I would like you to cosponsor that with me.

Senator METZENBAUM. I have no difficulty with that. As a matter of fact, I offered that very amendment and offered a bill to the same effect previously.

Mr. Chairman, I have no problem in joining you in that connection.

The CHAIRMAN. All right, my friend. I appreciate it.

Senator METZENBAUM. There is more legislation coming about by reason of this hearing than probably any hearing.

The CHAIRMAN. I have been trying to get Metzenbaum on my side for a long time and he has been trying to get me on his, so maybe this is going to bring us two together.

Our final witness on this panel is Dr. William Pierce, president of the National Committee for Adoption.

Dr. Pierce will provide us with an overview of what he sees as the major barriers to special needs adoption. And I am just going to ask you a very few questions. I am going to submit the rest in writing to you because we are running out of time here. I am going to ask you some questions regarding the importance of the testimony we just heard from these other witnesses.

You have a very thorough and detailed statement. We will put it in the record as a complete statement, but for now I would like for you to just briefly summarize it so that we may have a few minutes for questions. Then we are going to try to get one more panel before we have to recess at 2 o'clock.

Dr. PIERCE. Thank you, Mr. Chairman, and Senator Metzenbaum.

I am very glad to be here with two people who have a history of caring about adoption. I do hope that you will bring your bipartisan efforts in terms of 856 which will give tax deductions for folks like the Avegnos.

We have a very long statement, as you suggested. It is 28 long pages, and I hope that some people read it. It is filled with statistics, what statistics we have, and I suppose that is one of the major problems that we think we ought to look at. We really do not have the kind of data that we need to make the kind of policy decisions that you as Senators and that this committee is frequently called on to make. It is one of the major barriers that exists in adoption today. I do not know how in the world anyone can justify the fact that the Federal Government for the last 10 years, which has statistics on everything from the number of snail darters to the number of pup fish to the number of people who have bought rowboats, cannot tell us anything about adoption. It is a scandal and it is one that, thank goodness, Senator Hatch and this committee has worked to turn around.

I think that we heard a lot today about special needs adoption and we are interested not only in special needs adoption but in the adoption of healthy children and in the adoption of children from other countries. We need to look at all of these areas of adoption as one big package.

We also think that the hearing that was held yesterday over in the Senate Finance Committee needs to be kept in context. Those hearings which were on Public Law 96-272 focused very hard on the whole foster care crisis that we are going through. They looked at the figures over on the board and said what have we been doing for the last 6 or 7 years? Why were we spending so much money and perhaps getting very inadequate results? I think today's hearing is kind of a complement to the hearings yesterday in the Senate Finance Committee because you are focusing on the things that keep kids from ever getting into foster care and you are focusing on the one way to really get kids out of foster care and into permanent homes, and that is adoption.

I have a short list of 10 things I think are positive and I think it is important, Mr. Chairman and Senator Metzenbaum, that we focus on the fact that there are some positive things that have gone on, and 10 problems that still remain.

In terms of the positives, let me list them quickly.

No. 1, legislative interest in these issues is very high.

No. 2, there is excellent leadership on these issues within the administration.

No. 3, a solution to the problem of Medicaid portability seems near.

No. 4, there is an increasing focus on one of the major problems in this field, disruptions.

No. 5, there is a similar focus on another problem of aging out of foster care kids.

No. 6, States are beginning to move. Permanency planning is now on their agendas.

No. 7, substantial progress is being made in involving basic community institutions and leaders, such as religious organizations and clergy, in this effort.

No. 8, corporations are pitching in. I think it was great that we heard about the kind of activity that the Hartford Company has done for the Avegnos.

No. 9, adoptive family recruitment techniques continue to be improved.

No. 10, Federal and State deductions from income taxes have helped encourage more adoptions.

I think it is great to hear that South Carolina has just passed such a bill. I had the opportunity to ask President Reagan to see if we cannot get at the Federal level the same kind of legislation that he signed into law when he was Governor of California, because he signed a law there which provided a tax deduction for couples who adopt.

But we will have problems. There are 10 negatives that I would like to point out, Mr. Chairman.

No. 1, we have a lack of reliable data on which to base policy decisions.

No. 2, the courts continue to be a major problem. Kids get caught in the system.

No. 3, there is an unwillingness to grapple with the overall money issues involved in this area and they are very complex.

No. 4, State leadership still leaves much to be desired.

No. 5, and we heard a great deal about this, we are not dealing adequately with the issues of race and culture.

No. 6, the movement of children across State lines cause many problems.

No. 7, the professions—especially social work—are failing to provide adequate leadership.

No. 8, an adequate leadership and coordinating role is lacking in the administration.

No. 9, there are problems that are caused by jurisdiction over programs by the Congress which have led to inadequate oversight. One of the things that we would like to see, Mr. Chairman and Senator Metzenbaum, is for the various committees that have jurisdiction to maybe hold a joint hearing on some of these problems.

No. 10, there is still a lack of adquate leadership in the private sector.

As I look over these positive and negative influences, there is one positive feature and one negative feature I would like to focus on.

On the positive side, apart from the obvious factors of legislative interest in these issues as represented by this committee hearing and the extensive investigations into these problems by your staff, it seems to me we should recognize there is excellent leadership on these issues within the administration. In particular, I would like to underscore the importance of the role being played by Dorcas Hardy, Assistant Secretary for Human Development Services. Dorcas Hardy has taken the issue of special needs adoption as her personal interest. She has devoted herself to promoting permanent homes for waiting children. She has created and sustained the first special initiative, which has really turned things around in this country for these children. Without this leadership, I believe we would have made very little progress over the last 5 years, and the charts do show that we did make some progress.

In terms of concerns, I think no single issue is more problematic than the matter of transracial adoption that we heard about today. If we look at the Avegnos and we look at their little girl, who happens to be black, would it not be a crime for this child not to be in their home because of skin color?

As I mention in our full statement, Mr. Chairman, we are perplexed by the continuing presence in the system of so many black children, particularly because of the lack of reliable baseline data as well as a lack of sound reserve of black adoptive families and the attitudes of black families to adoption. We are only able to theorize about the causes of these problems.

We do have some data, however, which are compelling. The data show that black children do quite well when they are adopted by whites. The data show that black children are still a disproportionately large component of the population of children in foster care, of children who wait for the permanence of an adoptive home. For that reason, our organization has taken a very clear position in favor of transracial or interracial or intercultural adoptions while, at the same time, we are calling for more research into the subject.

Thank you very much. I would be happy to respond to any questions you may have.

[The prepared statement of Dr. Pierce follows:]

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My name is William L. Pierce and I am the President of the National Committee For Adoption. On behalf of the board of directors, member agencies and membership at large of the National Committee For Adoption, Mr. Chairman and other members of the Committee on Labor and Human Resources, we are pleased to respond to your invitation to testify today.

The National Committee For Adoption is the headquarters organization of a non-profit, voluntary movement to strengthen adoption and related services. NCFA was founded in 1980. It has 127 local adoption or maternity services agencies throughout the United States in its membership.

NCFA's members are all non-profit, voluntary organizations guided by volunteer board members and staffed predominantly by professional social workers.

In addition to providing technical assistance to its member agencies, NCFA works for the development of adoption-friendly policies and practices by public and private institutions. It also speaks and publishes for adoption and maternity services agencies as well as those families and individuals touched by adoption.

NCFA member agencies offer counseling services to all members of the adoption circle, including single, unmarried or troubled parents, couples with infertility problems or seeking to adopt a child, or persons who have been served by adoption agencies in the past. Most agencies offer a variety of maternity services, including residential care, to enable a woman to decide, in a professionally-sound but private environment, what option is best for herself and her unborn baby. Agencies also focus on the task of finding the best possible homes for children who need them, including healthy children born in the United States, children with special needs from every country, and healthy children from other countries who could benefit from a home in the United States.

NCFA is supported by member agency dues, grants from foundations, corporations or philanthropists, individual member dues, contributions, and the sale of materials. NCFA receives no government funds.

Generally member agencies receive the majority of their support from fees for services, as well as support from private contributions and foundations.

While the entire society benefits indirectly by the work of NCFA and its member agencies, approximately 650,000 persons are directly affected by the services and programs offered.

We are very grateful that you have called this hearing, because, despite the very real achievements that have taken place in lowering barriers to adoption, of which I will speak about below, more needs to be done. Today, we would like to provide you a brief overview of the adoption field today. We will present a brief list of some of the positive influences helping to lower barriers. We will also present a similar list of some of the negative influences that remain to be addressed. After discussing each in detail, we will offer some recommendations and, if you wish, respond to any questions you may have.

Because there is a tendency--especially among the media--to concentrate on the negatives in reporting on a hearing such as this, I want to list --at the outset--some of the major positive influences which are helping to lower barriers to adoption. These positive influences are:

1. Legislative interest in these issues is very high.
2. There is excellent leadership within the Administration.
3. A solution to the problem of Medicaid portability seems near.
4. There is an increasing focus on one of the major problems--disruptions.
5. There is a similar focus on another problem--"ageing-out" of foster care beneficiaries.
6. States are moving now: permanency planning is now on their agendas.
7. Substantial progress is being made in involving basic community institutions and leaders--such as religious organizations and clergy--in this effort.
8. Corporations are pitching in.
9. Adoptive family recruitment techniques continue to be improved.
10. Federal and state deductions from income taxes have helped encourage more adoptions.

Here are some of the major problems, as we see it. The negative influences are:

1. There is a lack of reliable data on which to base policy decisions.
2. Courts continue to be a major problem.
3. There is an unwillingness to grapple with the overall money issues involved in this area.
4. State leadership leaves much to be desired.
5. We are not dealing adequately with the issues of race and culture.
6. The movement of children across state lines is problematic.
7. The professions--especially social work--are failing to provide adequate leadership.
8. An adequate leadership and coordinating role is lacking in the Administration.
9. There are problems caused by jurisdiction over programs by the Congress which lead to inadequate oversight.
10. There is a lack of adequate leadership in the private sector.

Positive Influences

It is very important that we recognize the substantial advances that have been made in eliminating or lowering barriers to adoption -- even though all of us will admit that we still have a very long way to go.

In this regard, speaking as one who has been involved with the subject of these hearings since 1970, I can assure you that on many levels we are far ahead of where we were 15 years ago. We are seeing many more children in permanent homes -- children with medical and other problems that, back in 1970, most persons thought made them "unadoptable." This is no longer the problem. We have changed our attitudes as we have changed our language. These children are not "hard-to-place" -- they are "challenged children" or "children with special needs" and all that is required is finding the parents or parent who can meet those needs.

In changing attitudes, we have had recourse to a very useful slogan: "There is no such thing as an unadoptable child." Like the slogan we all associate with Boys Town, "There is no such thing as a bad boy," this has been useful to change attitudes. The slogan has also become for some an article of faith -- and in this regard, as I will mention later, we may have done a disservice to some youngsters who would have been better served in appropriate long-term foster care or institutional settings.

Let me now discuss, in at least a summary fashion, each of the ten positive influences that are now present.

Legislative interest in these issues is very high. I would like to point to just seven developments that reflect this interest.

1. This hearing itself shows how much key legislators care about these issues. With all of the business that the Congress has before it, it is a tribute to your concern about children who need homes that you have scheduled these hearings and authorized extensive staff investigations to prepare for these hearings.

2. A newly-formed bipartisan, bicameral Congressional Coalition on Adoption is now in existence. In the Senate, co-chairmen are Sen. Gordon Humprey (R-NH) and Lloyd Bentsen (D-TX). In the House, co-chairmen are Thomas J. Bliley, Jr. (R-VA) and James L. Oberstar (D-MN).

3. A number of bills addressing the problem of finding homes for children and foster care reform, including legislation proposed on behalf of the Administration as well as legislation drafted by key Democratic Members, have been prepared.

4. Several bills have been introduced which deal with the need to provide better services to adolescents who become pregnant out of wedlock, at least in part out of an interest in preventing unnecessary foster care. Chief among these bills, in our view, is the legislation which would reauthorize the Adolescent Family Life Act.

5. In the Senate, the effort led by Sen. Denton (R-AL) in respect to a caucus on the family is a major evidence of interest in building strong families by adoption.

6. In the Senate, the effort led by Sen. Dodd (D-CT), who also serves on this Committee, to focus on the specific needs of children is noteworthy.

7. And in the House, we are pleased that the interests of families and children have been combined in the Select Committee on Children, Youth and Families.

There is excellent leadership within the Administration. At the highest level, we are pleased that the President has spoken out in favor of adoption on several occasions. His voice and presence, whether in proclamations for National Adoption Week, National Family Week, State of the Union Addresses, radio addresses, or similar activities, are of primary significance. Within the White House itself, there has been substantial interest and support from individuals such as Attorney General Meese as well as other staff, such as Bruce Chapman.

There exists strong support of adoption from members of the Administration outside of the White House as well. Perhaps most notable is Dorcas Hardy, Assistant Secretary for Human Development Services. Ms. Hardy has created a "special initiative" within OHDS designed to focus on these issues; she has invested both staff and resources as part of this initiative.

The efforts of Ms. Hardy and OHDS have had the beneficial effect of bringing attention to the adoption option throughout the Federal establishment. Each year, Ms. Hardy sponsors an adoption fair at the Hubert H. Humphrey Building which draws national attention to the needs of thousands of children waiting for permanent homes.

Two other persons in the administration also deserve mention. Jo Ann Gasper, both in her former role and in her present responsibilities (and they are several at the Office of Population Affairs), has been deeply interested in adoption. Dodie Truman Livingston, Commissioner of the Administration on Children, Youth and Families, has not only a professional dedication to these issues but is also personally interested because, in part, of the fact that she is herself an adoptive parent and an adoptee.

A solution to the problem of Medicaid portability seems near. For some time, the problem of Medicaid eligibility for children adopted across state lines has been a barrier. A solution to that problem has been proposed as part of the FOSTER CARE AMENDMENTS OF 1985 which, as this statement was being prepared, would have provided the following:

> "Section 473 (b) of the Social Security Act (42 U.S.C. 673 (b)) is amended to read as follows:
> " (b) For purposes of title XIX, any child described in subsection (a) (1) with respect to whom there is in effect an adopton assistance agreement and an interlocutory or final adoption decree shall be deemed to be a dependent child as defined in section 406 and shall be deemed to be a recipient of aid to families with dependent children under part A of this title in the State where such child resides."

We are very pleased about this resolution. Rather than pursue, as has been the practice in the past, the decade-long path of individual state ratification of an interstate compact, the Administration has decided to move on this problem.

There is an increasing focus on one of the major problems--disruptions. Many questions have been raised about the ultimate success rate of special needs adoptions. After all, it has been said, we are interested in permanency for children and if, in fact, these children are being placed over and over again, we may be seeing placements but what we are not getting is the kind of forever home we want for these children.

This issue is being addressed. Recently, officials of OHDS indicated that they have three studies underway, with their financial support, to look at this problem. We are confident that whatever soundly-reasoned recommendations come from these studies, OHDS will follow up and make the suggested changes. We are also sure that OHDS will seek any additional Congressional authority to make those changes which are not currently authorized.

The issue of disruptions is also being addressed in an important piece of foster care legislation that has been drafted for introduction and consideration by the Ways and Means Committee.

There is a similar focus on another problem--"ageing-out" of foster care beneficiaries. We have known for some time that not all children are placed for adoption, despite all of our collective efforts. Many children, especially males and members of minority groups, remain in foster care and are confronted, at age 18, with a world that they are not yet ready to function in. Yet, many current practices in effect require them to be exited from the system that has kept them in limbo without providing them with the skills needed for self-sufficiency.

This problem is receiving attention. For instance, the media is looking at this issue in a positive way. Recently, a major newspaper featured the activities of Spence-Chapin Services in New York City. This agency, which happens to be one of NCFA's Charter Member Agencies, was recognized for its privately-funded innovations. Among these is a program to help foster children attend college so that they can be prepared for the job market.

In the Congress, this issue is also being addressed. The House draft bill discussed above would, in its most recent version we have reviewed, have addressed both the question of funding continuing services for some of these foster care recipients and would help establish new forms of residential care for them.

States are moving now: permanency planning is on their agenda. For a variety of reasons, there is now momentum in the states which is reflective of the interest that exists at the federal level. Four states (among many) are examples of what is going on.

In Illinois, not only is there a strong push by the Department of Child and Family Services to move children with public funding -- excellent work is being done in collaboration with the private sector, including businesses, foundations and community groups.

In Missouri, one of the more inventive public information campaigns, featuring the Governor, has been launched. NCFA has utilized some of the Missouri materials to help push permanence with other states and with the voluntary sector.

In New York, materials have been tailored to a Hispanic audience. And in New York City, Special Services for Children has maintained an active interest in the children for which it purchases services.

In Texas, several regions are actively engaged in purchase of service with innovative and dedicated voluntary agencies. Some of these agencies are supplementing public funds by raising foundation funds for their activities.

Substantial progress is being made in involving basic community institutions and leaders--such as religious organizations and clergy--in this effort. Although we are a non-sectarian national voluntary organization (incidentally, we are the largest such organization in terms of the number of voluntary adoption agencies in our membership), we are very pleased by this trend. Let me provide the Committee with four examples.

The "One Church - One Child" effort launched by Rev. Clements is an outstanding example of an innovative effort to recruit families for waiting children. We are also following, with interest, the moves which have been made to replicate this model in areas outside Illinois.

Another priest, Rev. Engel, has become well known for his risk-taking ventures to find homes for some of the most challenging children in foster care -- teenagers. His work in Massachusetts, at Downey Side, and now in New York, is of interest to all in the field.

As part of the growing efforts in adoption being made by evangelical Protestants, there is a focus not just on infant adoption. Many of these programs offer substantial assistance in finding homes for waiting children, especially children of minority race or ethnicity.

Finally, as part of the distinct ministry of television evangelism, we are seeing direct results, in terms of couples who contact us, from the work of the Christian Broadcast Network and of Rev. Jim Bakker's PTL Ministry.

Corporations are pitching in. One of the major leadership groups in the U. S. which has shown concern about adoption and adoption-related issues is business. And in the field of special needs adoptions, business is pitching in. Five aspects of their efforts should be noted.

Many companies are adding adoption benefits to their list of employee benefits. NCFA has played a major role in this effort by working with employers to encourage them to add benefits and to publicize their efforts, once they are successful. NCFA is now working, in a similar fashion, to publicize the substantial achievements, in terms of adoption leave, which have been won by some unions, most notably the Association of Flight Attendants.

One of the major contributions of corporations has been to allow and encourage the involvement of executives on the boards and advisory committees of groups working in this area. At our corporate breakfast last year, which we cosponsored with Dorcas Hardy and others, the presence of these corporate executives was a major reason for hope.

Other corporations help by contributions of needed equipment. For instance, APPLE (itself headed by Steve Jobs, who was adopted) has donated equipment to assist agencies in forming a network to find homes for children.

In many instances, organizations need not only loaned executive talent and in-kind contributions -- they also need hard, spendable cash. Many corporate foundations are helping in this area. For instance, Sears has been a consistent supporter of NCFA, with the Sears contribution specifically targeted on our special needs advocacy.

Finally, corporations are broadening their concept of charitable giving beyond the traditional areas of giving to religious groups, educational organizations and health entities. More and more corporations, such as The Washington Post, match the gifts of employees to any worthwhile and recognized charity, including social services organizations which work in the area of special needs adoptions.

Adoptive family recruitment techniques continue to be improved. Although much remains to be done in this area, two areas of involvement need to be recognized.

First, the media has become a major partner in this area. Nearly every print medium and every electronic medium is willing to help publicize the fact that there are children who are waiting to be adopted. Dorcas Hardy has appropriately recognized many of these people in the media for their contributions.

Secondly, corporations are using their own in-house media to publicize the fact that children are waiting--or that employees have adopted children. TIME is an outstanding example of the use of such a medium.

Federal and state deductions from income taxes for costs connected to adopting a child have been an encouragement to families. Although the financial aspects of a tax deduction are not usually the critical factor in a family's ability to adopt, the deduction is helpful. For that reason, support for deductions is a major positive influence in this field.

For instance, at the highest levels, we have evidence of strong support for these deductions by the President. When he was Governor of California, President Reagan signed into law a bill that provides a tax deduction for those who adopt. Other states, such as Minnesota, are also passing such legislation.

At the Federal level, bipartisan support for adoption benefits has resulted in a Federal income tax deduction for those who adopt children with special needs being written into law. And when it was necessary to fine-tune this provision, the Congress passed a technical and conforming amendment. Even now, as part of the tax reform package, the Administration is supporting the payments to adopting parents. Although the tax deduction would be repealed under the plan, the Administration has stated that it intends to continue payments, outside the tax system, under an alternative plan.

And last, but certainly not least, there is the very important legislation which has been introduced by Sen. Hatch, with companion legislation in the House by Rep. William Lehman (D-FL). This legislation would improve upon the existing legislation offering a tax deduction, and would provide added incentives to corporations to expand their benefits.

In summary, if one considers the positive features described above, we have come a long way in lowering barriers to adoption. We need to be grateful and enthusiastic about the people and the institutions which have played a positive role in this effort. It is also important to remember that this list is not in a priority order. These issues defy prioritizing. Having said this, we must also look at what is yet to be done. To do this, we must, of necessity, look at the negative influences in the system that have kept us from making more progress.

As above, the negative influences which will be listed below are not necessarily in the order of their priority. Were it possible to do so in this statement we would chart these influences--positive and negative--rather than list them.

There is a lack of reliable data on which to base policy decisions. Perhaps no single person in the Congress has been as attuned to this problem as Chairman Hatch. We are pleased that two years in a row Sen. Hatch has played the key role in pressing for the establishment of a data-gathering system within the Federal government. This has been done over the objections of some in government who say such data-gathering is not needed, or impractical to gather.

I mention this issue with some hesitation, given what has happened in response to your advocacy for data, Sen. Hatch. As you know, there was not a response from the relative agencies when the legislative intent of Congress was first made clear. In response to the concerns of the National Committee For Adoption, among others, you pressed the issue and passed legislation mandating a national data-gathering and analysis system as part of the Conference agreement on S. 1003 and H.R. 1904. It was rather like the story of the stubborn mule: you had to hit it twice between the eyes with a 2 X 4 to get any results.

Thanks to your leadership, there has finally been a response within the bureaucracy. A largely internal work group has been invited to develop recommendations for gathering data. And, after several months of meetings, the group has issued a report. The recommendations are not that much different from what we suggested. The process, however, will still need careful monitoring by you and your Committee, Mr. Chairman, to ensure that the ultimate steps taken are economical, non-duplicative and responsive to Congressional intent.

In a society where the "bottom line" has become the standard way to describe accountability, it is clear that policy makers need to have reliable data. How, otherwise, can decisions be made about interventions and how, otherwise, can we know whether the interventions and investments we have made are having the desired results? We contend that we cannot, and that no matter how well-meaning the bravado of referring to progress in terms of vague percentages or cases in terms that may allow for double-counting of "successes", we deserve hard data.

What we have been handed, of course, instead of good data from verifiable sources is, all too often, inventively manipulated data from sources that are of questionable statistical validity. I speak, in this case, of the VCIS data which has been gathered by the American Public Welfare Association under contract to HHS. The problem, we fear, is the "V" in VCIS: it is "voluntary." Without regard to any motives of any state or any public official, how practical is it to monitor a program which is this immense or this complex on the basis of data which states choose to submit? What would happen if IRS allowed taxpayers to voluntarily decide whether to keep adequate records to sustain deductions? We are hopeful that the forthcoming VCIS report will be better. When that report is available and has been examined carefully, we will have a better idea of what steps may need to be taken to assure that federal policymakers receive the kinds of data they need to manage programs and to provide adequate oversight.

What do we know?

Our data is still quite preliminary. We can tell you that it appears that the numbers of special needs children who were adopted in 1982, the year for which we gathered data, are somewhat higher than our previous estimates of 10,000. We believe that the figure may actually be something in the order of 14,000 children. Linked to this figure is an interesting estimate about the persons who are actually adopting special needs children. According to our preliminary data, it appears that something on the order of two-thirds of those children were adopted by foster parents. This means that we may need to focus more attention and investment of resources on foster parent recruitment. Alternatively, this may mean that there are built-in incentives to qualify prospective adoptive parents by suggesting that they first become foster parents. Both the numbers and the policy implications will have to await the final review of our statistical consultants.

We would also add some other preliminary information for your consideration. It appears that adoptions through agencies are continuing to be losing ground to those arranged independently--largely through lawyers. We know the basic reason for this, of course -- it has to do with the lawyers' attitude toward termination of parental rights, which we will discuss at more length below.

By the same token, there are some very good data in the adoption field. And those data are gathered by a Federal agency--the Immigration and Naturalization Service. Those data, which were submitted earlier to your staff, Mr. Chairman, show that 8,327 children from other countries were adopted by U.S. citizens in Fiscal Year 1984. And most of those children were from Asia and were adopted by white, or Anglo families. To some extent, we believe that adoptions from other countries are taking place because of practices and policies in the U.S. which inhibits domestic adoptions. Specifically, we are concerned that domestic adoption agencies are unwilling to engage in the provision of services to the extent foreign agencies do. We are also concerned that policies having to do with the adoption of children with any Afro-American or Black heritage mean that it is easier to adopt a black-skinned child from India (if one is white and lives in the District of Columbia), than it is to adopt a black-skinned child from Anacostia.

Although there is a good deal of interest in IMPROVING NATIONAL STATISTICS ON CHILDREN, YOUTH AND FAMILIES, and although there was a conference which resulted in a report of that name last year which was supported in part by Federal funds, you will not be surprised to learn that at least one major adoption organization and a major recipient of Federal funds to gather statistics were not included in the invitation list for that conference. As a result, quite inadequate attention was paid to the issue of adoption, of special needs adoption in particular, and to related issues including the populations of children in various kinds of institutional settings.

In all of this picture, I am happy to report a bright light. Dr. Christine A. Bachrach, of the National Center for Health Statistics, has produced a very useful document presenting data on adoption from the National Survey of Family Growth, Cycle III, which was conducted by NCHS in 1982. Although, as Dr. Bachrach clearly states, the data has many limitations, it is the only source of national data which currently exists. A copy of the entire report has been provided earlier to your staff, Mr. Chairman, but a few of the highlights may be of particular interest.

1. The trend in adoptions seems to be up, after several years of decline.

2. For the first time, there is data on the placement rate of women 15-19 that has some degree of reliability. The data indicate that 91.1% of White and other teens decided to try to parent their children. Of the remaining 8.9%, 7.4% are formally adopted and 1.5% are informally adopted, in that they have been placed with relative and friends. Among Black young women 15-19, 94.7% decided to try to parent their children. Of the remaining 5.3%, only 0.7% were formally adopted, 4% were informally adopted and 0.6% were listed as "no longer living." This data confirms the impression which has been widely given that Black teens choose adoption as a plan for their babies at a significantly lower rate than White and other teens.

3. In terms of racial characteristics, it is interesting to note that while the percent of ever-married women who had adopted remained at a steady 2.2% among White women, it dropped from 1.8% to 1.5% from 1973 to 1982 among Black women. This data confirms the impression that has been widely present among those who have sought to induce Black families to adopt; namely, that Blacks adopt at a significantly lower rate than Whites. In terms of numbers of actual children represented, it would appear therefore that whereas there were 589,490 White families with adopted children and 55,962 Black families with adopted children in 1973, by 1982 the figures were 669,218 for White families and 51,600 for Black families. This decline took place, of course, at the very time when there were many more Black children who were in need of permanent adoptive homes and when there were extensive and expensive efforts mounted to encourage Black families to adopt waiting children.

4. The data also confirm the pattern, evident in adoptions from countries outside the U.S., of adopting more female children than male children. 69.5% of the children for whom an adoption plan were made were female; 30.5% were male. This, again, has distinct significance given the fact that most of the children who remain in need of adoptive homes are reportedly male and Black.

5. There are also interesting data on adoptions by the religion of the ever-married woman who adopted. From 1973 to 1982, there was a dramatic change. Whereas 2.3% of Protestant women had adopted in 1973, it had fallen to 1.8% in 1982. Roman Catholic women adopted at a dramatically increased rate, going from 2% in 1973 to 3% in 1982. Other women, like the Protestant women, showed a dramatic change, growing from 1.6% to 2.1% in 1982.

   If one contrasts the currently married women data, a similar pattern emerges in the years 1955, 1973 and 1982. Here is the data:

Religion	1955	1973	1982
Protestant	0.9	1.9	1.0
Roman Catholic	1.4	1.9	2.6
Other	2.8	1.3	1.5

6. In an era when the incidence of divorce is of particular concern to all Americans, it was encouraging to note that among those women who ever adopted an unrelated child, at the time of the interview 99.3% were currently married. This has enormous significance for women who are considering adoption and who wonder if their children will have the benefits of growing up in an intact, two-parent family.

7. A good deal of research has been recently released dealing with children in poverty; however, the data indicate that this is seldom the lot of the adopted child. Whereas 61.9% of all children living with their never-married birthmother are below the poverty level, only 2.3% of adopted children are living below the poverty level. Children living with mothers who were previously married are somewhat better situated than those with never-married birthmothers--"only" 39.8% are living below the poverty level.

   In looking at those who are "making it" financially, those who are living at 300% of poverty level or more, it is interesting to note that only adopted children have the benefits of being more likely to be above this level than below it. 53.8% of adopted children are living at this level. 44.3% of children living with currently married birthmothers are at this level. 15% of children living with previously married birthmothers are at this level. And 7.9% of never married birthmothers' children are at this level.

   At the extremes, then, whereas only 2.3% of adopted children are living below the poverty level, only 7.9% of children living with their never married birthmothers are at a decent standard, 300% of the poverty level or more.

8. Placement rates of White mothers and Black mothers, comparing those born before 1973 and those born 1973 or later, are also dramatically different. Although there is, as expected, a decline which one can account for, the racial differences are dramatic. White adoptions declined by about a 60% rate, from 19.5% to 8%. Black adoptions declined by 700%, from 0.7% to 0.1%.

9. Interventions with women who are pregnant emerge as significant factors, according to the data.

   Pregnancy counseling. Among those who received pregnancy counseling, 13.9% placed their children for adoption. Among those who did not receive pregnancy counseling, 1.5% placed their children for adoption.

   Involvement with parents. It is well-known that some parents' reaction to an out of wedlock pregnancy is to seek an abortion for their daughter. The data indicate significant differences in placement rates for those who told their parents about the pregnancy during the first trimester, when abortion is less medically problematic, and those who told them later or not at all. 4% of those who told their parents during the first trimester placed their children for adoption. 10.7% of those who told them later or not at all placed their children for adoption.

   Involvement with baby's father. The same pattern emerged here. 3.2% of those who told the baby's father in the first trimester placed their children for adoption as compared with 15.4% of those who told the father later or not at all.

   Racial differences. Among Blacks, the change was from 0.0% to 0.3% for those who did not tell their parents until later or not at all. It was from 0.0% to 0.4% for those who had not received pregnancy counseling, indicating that counseling for Black women resulted in less likelihood of placing the child for adoption. It was from 0.0% to 0.5% for those who told the father later or not at all.

10. The data are also significant for women 15-44 at risk of an unintended pregnancy, in respect to those who would have the baby if they were to become pregnant, and the percent who would make an adoption plan for the child.

    Among those who would have the baby, there is no significant difference between the options of Whites or Blacks or Protestants or Catholics. Those of "Other" religion are significantly less likely to have the baby--about 59.6% as compared to 84.2% for Protestants and 85.1% for Catholics.

Although there have been allegations made that Black women's intentions in respect to adoption planning is significantly different from White women, the data show otherwise. There is little difference: 1.5% of White women say they would make an adoption plan as compared to 1.2% of Black women.

11. A major issue being debated in the U.S. is the impact of placing a child born out of wedlock on the birthmother. The data show results that indicate the outcomes for women who choose adoption are more beneficial on seven separate counts.

    Poverty. While 39.8% of those who decided to parent their child were living below the poverty line, 18% of those who planned adoption were in this situation.

    Public assistance. 51% of those not choosing adoption were on some sort of public assistance as compared to 21.3% of those who chose adoption.

    AFDC. 35.8% of those who did not choose adoption were on AFDC, as compared with 6.9% of those who chose adoption.

    Food stamps. 43.9% of those who did not choose adoption were receiving food stamps, as compared with 18.3% of those who chose adoption.

    Percent completing high school. 60.4% of those who did not choose adoption completed high school as compared with 77.2% of those who chose adoption.

    Percent ever married. 50.3% of those who did not choose adoption were ever married as compared with 73.3% of those who chose adoption.

    Infertility. It is claimed that the trauma of placing a child for adoption significantly increases the infertility rate. The data show that while 59% of those who did not choose adoption had another birth, 59.2% who chose adoption became pregnant again.

NCFA is making the Bachrach data available to the general public through its Reprint Series. We believe that despite its limitations, the data should be reviewed by all policymakers and direct service personnel who are concerned with these issues.

Courts continue to be a major problem. One of the most persistent problems the agencies report to us is court delays. Secondarily, they speak of the arbitrary nature of the courts and the relative inability to be able to count on law or precedents as a sound guide.

The nature of the problems related to court delays has been explored in detail in other materials which are available to the Committee. I would like to discuss some of the developments which, in our view, constitute a different class of barriers.

In the first instance, I am attaching a letter from the Legal Defense Fund, Open Door Society, Milwaukee, WI. Although we do not necessarily endorse the precise approach taken by the letter-writer, we believe this is an instance which illustrates why so many children are still being denied a permanent home and why so many prospective adoptive parents may fear adopting a waiting child and why the costs (administrative and human) are so high.

The case involves an extremely delicate matter--the termination of parental rights. In this instance (not to repeat all of the details of the letter attached), the child did not live in any home longer than 9 months during her first four years of life. The county in which the child lived petitioned the court to terminate the rights of her birth parents involuntarily. The termination happened, the child was ostensibly freed for placement, and was placed by a public agency. Today, two years later, after an appeal to the Wisconsin Supreme Court, the child still does not have permanence. It would be of interest for the Committee to inquire into the monetary costs connected with this case.

But what if it is a voluntary termination? Perhaps, Mr. Chairman and members of the Committee, you are aware of a case from California which was before the California Supreme Court at the time we prepared this testimony. In this instance a 12-year-old girl had sexual intercourse one time with a 16-year-old. There was no relationship. The girl decided she wanted to place the child for adoption. She did not want to involve the father, as a licensed agency advised her would be necessary. So she went through an attorney, who attempted to finesse the law, as happens, reportedly, in at least half of the attorney-arranged cases in California. This time it did not work and the biological father filed a challenge to the adoption and has won two lower court judgments. The child is now two years old, and there is no permanence. In this case, the rights of the mother are far from paramount, whereas in the Wisconsin case the rights of the mother are paramount. In the eyes of many, an ironic situation seems to be developing in which the rights of the child to permanence are never paramount, irrespective of what the mother may wish or what even a jury may determine as to the fitness of biological parents. In the California courts, fathers' rights are frequently paramount, despite what we would consider evidence to the contrary: a 60-year-old convicted drug dealer won custody of a newborn, over the objections of the biological mother.

The final case, from Pennsylvania, illustrates how frustrating the courts can be. In this instance, there is a controversy over the ability of a voluntary agency to charge a fee to the adopting parents for the costs related to an adoption. In a particular county, a particular judge who prefers that women be placed on public assistance in order to fund their prenatal care and hospital expenses, and who alleges that no adoption has been finalized in that court with a fee of more than a few hundred dollars, has caused some adoptions involving quite modest fees to be held up for months. Since the average fees (based on actual costs) frequently average in the $4,000 - $6,000 range (assuming some sort of subsidy from the agency, a church, etc.,) there is a real question about the ability of the voluntary agency movement to defend itself. And a lawyer who is attacking the role of all voluntary agencies is arguing that the payment of any fee constitutes baby-selling. What would the outcome be if this particular court and this particular attorney were successful? To us, it appears that there would either be no adoptions whatsoever or all adoptions would be done by public agencies at taxpayers' expense. If we assume that there were at least 60,000 adoptions done in the most recent year, we conclude that either 60,000 children would be denied the permanence of an adoptive home or some set of taxpayers would be confronted with a bill for something in the order of $300 million.

In all of these court cases, Mr. Chairman, a precedent in one kind of adoption can affect another kind of adoption. And the general public, which is the general prospective adopting public, does not easily differentiate between a report of a court case involving one kind of adoption and another. Nor do biological parents differentiate. If these parents do not differentiate, how many do you estimate will want to voluntarily relinquish their rights so that a child may have a permanent home when the vagaries of the courts so frequently deny them that permanence?

There is an unwillingness to grapple with the overall money issues involved in this area. As we have just noted above, problems with the courts that involve barriers to permanence may have substantial fiscal implications. In many instances, the question of financing an adoption or allowing a child to remain in foster care is settled on the matter of financing.

An example is the matter of the ability to pay a fee. In many instances, a child who is Black or Hispanic or mixed-race may be readily placed with a Black or other minority family which is a precise "match" -- if all of the costs related to that adoption are absorbed by an agency. But private, non-profit agencies have no general tax revenues upon which they can draw to finance such placements. In order to be able to place the child, therefore, they must arrange for the child to go into the AFDC/Medicaid pool, spend time in foster care, etc., so that the public agency can place the child with the minority family. Quite apart from the question of whether one ought to pay a fee if one has the ability to pay a fee, there is a key policy question to be addressed.

The question is: shall the government pay for all of the costs related to an adoption in order to place a child within its own racial or ethnic group? The reason the question arises is that majority race parents, those who are White, are willing to pay fees to adopt minority children. This is evident from the data on intercountry placements. In our view, this is a question that needs grappling with. Although we have not had an opportunity to explore the situation from all angles, it seems to us, based on common sense, that it is more sensible to subsidize all minority placements, so long as the adoptive families meet the usual requirements of being able to offer the child a good home, rather than shift the child into a foster care system where an equivalent amount or greater amount of public funds will be needed to find a home at a point in time months or years later.

If we examine the long-term costs of dependency, not just for the child but also for the biological mother, as is implied in the Bachrach data discussed above, it seems even more self-evident that subsidizing adoptions makes good policy sense. The issue is: does it not make sense to provide those subsidies to children who are in the voluntary child welfare system rather than forcing all such children to come into the public system in order to qualify for services?

We believe the answer lies in those instances where states have utilized purchase of service arrangements to do these sorts of placements. In at least one instance, a state purchased service for all children under 5 who needed homes. The efficiency of the system and the costs to the state were minimal by comparison with the state's experience. Unfortunately, the entire purchase arrangement was discarded when there was a change of administration and a new governor determined that it would be good to build up the payroll of the public agency. Not only the taxpayers of that state suffered; so did the children who would otherwise have been placed in a timely fashion.

Indeed, there are other examples of this fiscal impracticality. In some jurisdictions, there is an arbitrary ceiling on the fee which an adoption agency may charge. If an agency has no endowment and no other sources of income other than fee-for-service, as is more and more frequently the case given the decline in public and United Way funding for these services, then the following can happen. A client may approach an agency for service. Let us assume that she is the parent of a two-year-old child whom she has been physically abusing. She realizes that she needs help. The voluntary agency recognizes that several months of counseling and housing for the mother and child may be required prior to suggesting any permanent plan. Yet the agency cannot charge a fee--even if she voluntarily relinquishes the child at the end of several months--which will enable the agency to recover its costs. It therefore must refer the woman to a public agency, which she may refuse to work with. She will then continue her pattern of abuse until child protective services step in, and the whole long and expensive path of counseling, services to restore the family, etc., etc., is taken. Instead of allowing a fee of $10,000 to be charged--as an example--the taxpayers may end up paying $100,000 or more for a much less favorable outcome for all involved.

These financial problems, and a lack of funding to support the relatively inefficient system that currently exists, drives public agencies to what is known as "refinancing methods." For instance, a state may determine that it wishes to reduce its foster care caseload--for reasons of compliance with 96-272. To do so, it may decide that it needs to arrange for a massive shift of children from foster care status to some other status. Perhaps the state wishes to achieve two goals at once by suggesting guardianship instead of adoption. Guardianship is easier for the biological parents to deal with--it sounds less permanent, and it is. And guardianship has a benefit for the state--financially. If the state can qualify the child for Supplemental Security Income payments, then the care of the child can be shifted to another budget line other than foster care. And since guardians cannot qualify for some payments but can qualify for SSI, the refinancing system and the decrease in the permanent foster care caseload work hand-in-hand. In this instance, of course, the child achieves something substantially less than the permanence intended by public policy makers.

What, indeed, is the situation in terms of SSI children? The recent publication for the Ways and Means Committee notes, on page 453, that "In a study completed in 1979, it was found that 15 percent of all SSI children were in foster care and under the protective custody of State welfare departments or other social welfare aencies or institutions. They had lived away from their parents an average of 7.5 years and had little or no contact with their parents. In two-thirds of the cases, the children had been placed voluntarily in foster care by their parents." A concern we have is: what is the current status of SSI children, especially those that may be in foster care. Some estimates by Congressional SSI experts put the number of SSI children who are in foster care at 25-50,000. We need to know what percentage of those children are in an appropriate status (certainly some portion of those children ought to be on SSI) and what percentage should be in some other program.

State leadership leaves much to be desired. A highly significant sentence appears on page 533 of the new study from CBO, CHILDREN IN POVERTY. That sentence alone could have spurred this hearing, Mr. Chairman. It states:

> "It appears that the net effect of the 1980 provisions on the foster care system is currently unknown."

This discussion follows several pages of discussion of the foster care program. It looks at the average monthly number of children in foster care, noting that there was no significant decline in numbers from 1980 to 1984 yet expenditures for those years went from $416 million to $839 million. [The $839 million figure does not include an estimated $150 million in additional costs related to the states' training and administrative costs for the program.] Among other things, the CBO report says that the August 1984 GAO report suggests that "...any reduction in the foster care population may be unrelated to the success of the legislative incentives."

An example of a problem that may have to do with states' unwillingness to comply with the intent of the foster care reform legislation is in respect to the application of means-testing to those who come forward to adopt. A recent meeting of special needs advocates from several states, which NCFA attended and participated in, found that various approaches were being used, ostensibly out of administrative convenience, which had the effect of applying an improper means-test to these parents.

It is in the area of interstate agreements that one aspect of state leadership is of particular concern. For some time, there has been a general awareness that the lack of Medicaid portability was slowing the adoption of waiting children and unduly interfering in the adjustment and progress of children who had been placed. Given this situation, one might expect state leadership to move in such a fashion that there would be introduced in the state legislature a bill to adopt the compact which was designed to solve this problem. How many states did so? Less than a handful.

What about current state leadership in terms of oversight on the existing Interstate Compact on the Placement of Children? Administration could not be more uneven. Here are examples from four states. In state "A", voluntary agencies report that the ICPC process routinely delays placements two months--even when the child is healthy and there are no problems with Medicaid eligibility, etc. In state "B", the compact administrator is concerned with the particular quality of the home studies done by the voluntary agencies--and believes that if a child is placed into her state by a voluntary agency from another state that it ought to be the public agency which selects the adoptive home, not that voluntary agency or any other collaborating voluntary agency. In state "C", the administrator refuses to accept the home studies of other compact states for special needs children and requires new home studies to be done by that state--and preferably by state workers who are so backed up that studies cannot be done for three to six months. That same state refuses to allow a home study done in her state for a couple that has already adopted one special needs child to go with that couple if they move to a neighboring state. Instead, the couple must have an entirely new home study done in the new state, at duplicated expense to the public agency which is underwriting the adoption. In state "D", the White mother of a child with White/Black parentage wished to place her child for adoption and chose an agency location in a neighboring state. She requested her child go to a White home. Although all rights on the biological father were properly terminated and the decision was only that of the biological mother, the adoption was delayed for an undue length of time because the particular compact official handling the case was Black and did not believe that any biracial child should go to a White home, even if the White mother desired such a placement.

The issue here is appropriate administrative management. We are concerned at the apparent lack of management controls in some states -- a lack of controls that hampers the movement of children to homes.

We are not dealing adequately with the issues of race and culture. This area is, in our view, the most sensitive of all those that are before this Committee. In a sense, we believe that these issues are most comparable to the issues of religious preference.

Religious preference was, for many years, a matter of extreme concern to groups concerned about adoption. There was a period, at the turn of the century, when there were many orphaned children (not infants) who were being placed for adoption by largely-Protestant agencies. These children were by and large the offspring of poor immigrants, often Jews or Catholics, as I happen to be. After a time, Jewish and Roman Catholic people began to be upset at the "saving" of their children by these agencies. In time, they developed their own agencies which placed their co-religionists in homes which were qualified, but which were of their own religious faith.

In a sense, that is what everyone has been hoping would happen the last ten years or so, after the successful experience of Homes for Black Children, in Detroit. That has not appeared to have been the case, at least in terms of the reported numbers of placements. For instance, here in the District of Columbia, with an outstanding and large population of potential adoptive parents who are Black, there is a Homes for Black Children project which has been in existence for three years. The project is housed within Family and Child Services, an outstanding voluntary adoption agency which is staffed and managed in such a fashion as to be especially responsive to and sensitive to the needs of the Black community. The agency has also worked with a consortium of others, including Black churches, on permanence issues for several years.

What has been the results over these three years in this city with a large number of Black teenage pregnancies? According to the most recent material we have received, 80 children have been placed. We assume that at least some of these children have been healthy Black infants that in no way meet "special needs" definitions. But even if all 80 were truly special needs children, that number seems quite low.

According to the policies of this agency, no fees are charged. So the question is: what is the problem? One wonders if Black or other minority families are being turned away. One wonders if there is not some other problem or barrier which is presenting itself.

I can assure you, Mr. Chairman, about the first query: qualified Black couples are not turned away. When we get inquiries from Black couples, we get letters back in less than a year reporting that they have received a child through one of our agencies--and they are deliriously happy. Perhaps Mrs. Edwards, who has had more experience with this issue than any of the other witnesses invited to testify before you, can also respond to this question.

We have had our own experience with this matter of adoption. Recently, as part of a National Adoption Week observance, I had the opportunity to be on a talk show on one of the major stations in D.C. The talk show is hosted by a very popular Black newswoman. We talked about the problems of waiting Black children--even waiting healthy Black infants. On that program, we discussed the usual barriers that are cited by critics who blame the lack of adoption on adoption agency policies. Those supposed barriers are:

1. Fees. Blacks do not wish to "pay" for children.
2. Staff. Blacks do not wish to talk with White staff about adopting.
3. Age. Blacks may wish to adopt after age 40.
4. Marital status. Blacks may wish to adopt if they are single parents.
5. Housing. Blacks may not own their own homes.
6. Income. Blacks may have very modest incomes.
7. Lifestyle. Blacks may not wish to have anyone question their lifestyle.
8. Values. Blacks may not wish to discuss their values, including their religious beliefs, with any agency staff member.
9. Sex. Blacks may not want to discuss any aspect of their sex life, sexual preferences, or sexual compatibility (if married) as part of a home study.

Because of my awareness of this list of supposed barriers, during the course of the television program, I systematically went down the list and pointedly told the hostess of the program that there were agencies that would welcome exploring adoption with them. It so happened that at that time, I knew of at least two healthy Black infants who were legally free for adoption in D. C. At the end of the show, I went down the list, saying: "You do not have to pay any fee. You can be over age 40. You need not be married. And so forth." I also said that anyone who was interested should either call our D.C. telephone number or the station and we would refer them to an agency which would work with them.

That day we expected the phone to ring off the hook. It certainly would have if we had made a plea to White couples to adopt a waiting White infant.

What did happen? We did not receive a single telephone call. And, since I did not get any calls from the station, I must assume that they did not either. This was the response in this city, which ought to be the primary place in the U.S. where such a plea would result in a flood of calls.

What is the problem, then? It certainly is not, in our experience, the supposed list of barriers that are cited--and have been cited--since the controversy over adoption of Black children by White parents erupted in the early 1970s.

Is the problem recruitment? A few years back, an effort was made with a major Black magazine. It netted 200 inquiries. By contrast, our organization ran an ad that did not mention any need for adoptive parents some time back and it drew 2,000 inquiries from couples. Time and time again, other national groups and adoption advocates report that they are flooded with letters from couples who want to adopt special needs children. But most of those who respond are White.

We have some theories about what the barriers are, but theories without solid research are of little use. We believe that it ought to be possible to research, in a number of ways, the subject and to report on that research to all of us who are trying to promote the adoption of Black children by Black parents.

Again, we believe that such research ought to start with experts like Jane Edwards. She may have some useful leads for researchers, since her universe of subjects is much larger than most agencies.

We do know that Blacks, like Whites who adopt children from other countries, appear to have a preference for adopting females.

We do know, from debates in Ebony as well as controversies among those who are in interracial marriages, that matters of skin color and hair texture are of concern. Again, that is not all that much different than with Whites generally not so long ago and many Whites today.

We also know that some agencies have little patience with overly selective prospective adoptive parents. One frustrated agency executive said to me in respect to this problem of matching, whether it is for White parents or Black parents: "I have to tell them that this agency isn't Baskin-Robbins. These are children."

Given this situation, and the delicacy involved in all matters of race in our society, it is little wonder that prospective adoptive parents have hesitated to debate what some see as the only solution for these children: transracial or interracial adoption. Frankly, Mr. Chairman, I have been to the meetings of those who are adopting the special needs children. I have been to the meetings of those who are interested in adopting the special needs children. With very few exceptions, the people present are not Black.

The question is: are we to allow children to be deprived of a permanent loving home with a White family? Will we say as a society that it is better to grow up without permanence than to be adopted interracially? What do we say if even the ultimate foster care home is a White home?

Our organization has studied this problem and we come down squarely on the side of transracial or interracial adoption as being in the best interests of a child, rather than waiting an undue amount of time for an ideally-matching home. We believe, given the clear evidence from the research of Dr. Altstein and others, that there is no question but that the children in these placements do quite well. We say that if the children do well, if their identity is indeed sound and if they indeed have a sound sense of their Blackness, then what is the argument about? We say that if the argument is about racial separatism, then let us be clear about that. We say that if the argument is about the antagonism that some have to White agencies, then let Black agencies do the job. We say that if the argument is about the race of the workers who do the adoptions, to show us the research that proves this.

There is another problem relating to race and ethnicity which must be addressed, and that is the issue of the child who has parents of differing racial or ethnic backgrounds. How do we decide on a placement for a child who has one Black parent and one Indian parent? From the cover of a recent adoption exchange newsletter, featuring three children who appear to be Black, it seems that the children are Black. But what if one parent is Asian and one is Black? Or if one is Hispanic and one is Black? How do we decide that one particular race or one particular ethnic group is able to cancel out another? Have we somehow degenerated, in the discussion of race and ethnicity, to the point where, in a kind of reverse racism, we now label any child with "a drop of Black blood" Black--just as the Ku Klux Klan and some state laws used to? Are we at the point where the Nazis once were, where any Jewish heritage "cancelled out" any so-called "Aryan" heritage?

All of this is a dangerous way to proceed--this racial superiority or racial purity discussion. It also may be scientifically and anthropologically absurd, at least according to one statement which appeared in a Black magazine. That article said that as of 1930, 70 to 80 percent of all "Black" Americans had some White or Indian heritage. Where are all those arguments that were used to declare state statutes banning interracial marriage unconstitutional when we need them?

The issue does not involve Blacks alone. The Indian Child Welfare Act is a matter of concern for many biological mothers. As one of our member agencies recently wrote to us:

> "Parents of our clients and the clients themselves resent having to obtain tribal permission to place the child in question. Regardless if the client is of Indian heritage or Caucasian, the feeling is the same because usually the responsibility and decision making is done by the girl and her parents and not the alleged father and his family.
>
> The procedure to determine if the person involved has a tribal roll number should be expedited. Sometimes the tribe will not respond for several months with a written permission which may not come until two or three months after the birth of the child.

> Many families are desiring anonymity and do not feel confident in giving names to the tribes. Many have relatives working in the tribal office."

There is also the matter of religious preference which can come into play in this area. At times, the religious preference of the mother is different than the father (or the father's mother, sister, aunt, or other intended "mother figure.") It is possible to have factors of race, religious preference and ethnicity all involved in a single adoption. How are we to sort all of this out? When does the child's right to a permanent home begin to take precedence?

I know, Mr. Chairman, that the Committee is familiar with the many cases involving questions of race that have been discussed in the publications of the National Coalition to End Racism in America's Child Care System. Some of the parties in those cases are scheduled witnesses in this hearing. But some of the cases have already gone to the extreme that I suggested above. A four-month-old Black infant was recently consigned to a long-term foster care agency simply because there was no matching Black home available.

The question of race also relates to adoptive families that have an interracial marriage. A recent letter published in the National Coalition to End Racism newsletter pointed out that if that couple's child were available for adoption, because of the racist policies in that state and in many states, they would not be allowed to adopt their own child. That marriage is between one White spouse and one Black spouse.

The most well-known case in this area involved the Haas family, a White family that wanted to adopt a special needs youngster who happened to be Black. Eventually, over the objections of the state, the Haas family was allowed to adopt the child -- but it took the combined editorial voices of the Baltimore and Washington newspapers, along with the outraged columns from Black journalists, and threats of suits from the American Civil Liberties Union, to bring the case to its happy conclusion. Maryland's law has now been amended, in reaction to this case. But need we have a similar flap in every state before we can make some sense out of the adoption system, before we can guarantee permanence to the children who are waiting?

We do want to note that there is a growing sense of frustration within the Black community with this sense of racism. Black organizations and Black writers are commenting not only about the problem of teenage pregnancy and what it means for the Black community. They are also questioning the lack of adoption. Recently, one of our agency executives testified on this matter. His lengthy testimony has been provided as background to the staff, Mr. Chairman. It includes an impressive list of articles detailing the Black community's growing distance from the sentiment that Black children must be placed with Black families at all costs.

Fortunately, there is a careful examination of the various issues of Black adoption under way. For instance, it has been theorized that one of the reasons some Black teens may not be placing their healthy infants for adoption is that they have seen the media advertisements which feature waiting Black children and they fear that their children may end up in foster care rather than adoptive homes.

It is time for an end to racism of all kinds, including reverse racism, quotas, and the like. Yet this kind of thinking keeps seeping into adoption materials, even those funded by the federal government. An example was an early draft of standards for the Adoption Exchange Association. Hopefully, the final draft of the standards approved by this federally-funded group will not contain objectionable or racist language.

The movement of children across state lines is problematic. We have already discussed problems with four different states--problems that were essentially caused by inadequate state supervision of its compact staff. There are some additional issues which need to be addressed.

In one state, the problem of interstate placement of a child from foster care is complicated by the necessity of having to license the receiving state home for foster care. This requirement and added expense prevents a substantial number of families from applying to parent children with special needs.

In another state, the compact administrator requires that the sending state agency make separate arrangements for followup with a licensed agency in the receiving state. Even if the agency is willing to send its own licensed workers into the state for followup supervision, the receiving state will not allow it.

In many states, the problem is a lack of sufficient county adoption workers. One state has some counties where there are no county adoption workers, thus delaying the processing of all adoptions. An exception we recently noted, and which is no doubt true in many other states, is in Maryland's Carroll County, where career, experienced workers are the rule, according to the Baltimore Sun. That county has three workers--one has been working in foster care for over 20 years and the other two have worked in foster care for almost nine years each.

The professions--especially social work--are failing to provide adequate leadership. We are concerned about the failure of social work to assert its proper role in the adoption area. Until recently, there was almost no move by the profession to defend its expertise. Social workers were being forced into the role of para-legals, and were frequently asked to rubber-stamp the arrangements made by attorneys. That has changed, with the National Association of Social Workers recently circulating draft standards for infant adoption that properly describe the service as a social work service.

In special needs adoption, for instance, a substantial amount of the real leadership has been allowed to pass into the hands of one part of the adoption circle--prospective adoptive parents. In a very real sense, the picture is out of balance, with these "consumers" attempting to redefine adoption as something for parents, not primarily as something which is required to provide a home for a child who needs one.

The slogan which proclaims that every child is adoptable is typical of what has happened. The pendulum has swung from a situation where it was likely that social workers were not asking parents to stretch their definition of the child they would be able to parent to the point where parents are frequently stretched beyond the breaking point. The result comes too close to experimenting with children's lives, a kind of gambling that a placement will work out. Research in progress on disruption rates should be helpful in bringing out reasons for the high disruption rates.

The questions which are being raised about the success--or lack of same--in the foster care field over the last decade, as indicated above by the CBO study, also reflect on the social work field and the other professions which are addressing the issue of special needs adoption. It may be that the lack of leadership and professionalism will mean that the Congress will drop support for foster care reform if the real drop in numbers does not relate to the prescriptions in the law and if the clients who remain in the system will need to "graduate" to a new kind of adult foster care system.

An adequate leadership and coordinating role is lacking in the Administration. Although there is notable leadership within the Administration, much more needs to be done.

For instance, the Administration has not provided the kind of overall evaluation of these adoption and permanence programs that the numbers of children and expenditures of funds involved deserve. Nor has there been an adequate dissemination of results of research--especially by the Administration on Children, Youth and Families and the Children's Bureau. In terms of costs alone, the last cost analysis of adoption and foster care prepared by the Federal government was published in 1958. As you know, Mr. Chairman, when you introduced your bill calling for a tax deduction for adoption last year, it was necessary to rely on inflation-adjusted 1958 figures to arrive at some of the estimates of current adoption costs.

There is also inadequate leadership to the field, as represented by the expenditures of the Federal government for adoption and foster care training in schools of social work.

The role of the Federal government in terms of the states, and in suggesting collaboration between federal, state, and private funding initiatives has been weak.

Finally, at least eight segments of the Federal apparatus are involved in some way with the adoption and foster care issues. All need to be coordinated. Yet, at the present time there is a split in responsibility and leadership between the adoption activities that are part of the Office of Adolescent Pregnancy Programs and those that are authorized by the Adoption Opportunities Act, as the CBO report (p. 355, ff.) indicates. In addition to coordinating the efforts of the Department of Defense, Education, Labor, the Public Health Service, NIH, OHDS, OJJDP and USDA, the following specific activities are suggested in the CBO report:

1. Develop outreach.
2. Provide counseling.
3. Require all federal Family Life Education and Family Planning programs to provide information and counseling on adoption.
4. Spend funds on technical assistance.
5. Spend funds on staff training.
6. Fund research and data collection.
7. Continue demonstrations and research and development.
8. Disseminate evaluation findings.

There are problems caused by jurisdiction over programs related to adoption and foster care which lead to inadequate oversight. At some point, difficult as it always is when jurisdictional matters are under consideration, it seems that consideration ought to be given to realigning jurisdiction. Currently, apart from the welcome advocacy of the various ad hoc groupings, caucuses, and select committees, at least three major sets of committess have jurisdiction over adoption and "foster care" funding. Difficult as these deliberations might be, we would like to see steps taken to collaborate or conduct joint hearings so that adequate oversight may result.

There is a lack of leadership in the private sector. There are a number of types of organizations with potential for leadership which are interested in these issues. At this time, however, there is a lack of effective leadership.

1. Foundations. There is an ideological split present here, with most of the "conservative" foundations avoiding the issues of adoption and foster care while the "liberal" foundations pursue remedies that were without merit a decade ago.

2. Health organizations. These groups continue their focus on prenatal care, with inadequate attention to the child's prospects after birth. Most pregnant women require substantially more counseling than they are receiving about their own problems.

3. Education organizations. Aside from a brief period in the mid-Seventies when there was a major focus in the schools on school-age parenting, there has been an inadequate response to the issues related to adoption and foster care. In the curricula of most schools, little of a positive nature appears about these services, for instance.

4. "Mainline" Protestant churches. Although the evangelical Protestant churches are playing a major role in the adoption area, the so-called "mainline" Protestant churches are not. These churches, along with Roman Catholic churches, need to do more promotion of options for American women and more permanence for American children.

5. Voluntary organizations and civic groups. These valuable resources are presently being squandered on the same remedies -- such as the promotion of 'mother-infant programs' -- that were tried at least a decade past. There are some newer programs that have better results that do merit support of these largely volunteer organizations.

6. United Way and other federated fund-raising groups. There is an inadequate use of the expertise of these groups in helping to define needs and to plan efficient programs to address those needs. United Way organizations can be very valuable adjuncts, quite apart from their funding activities.

RECOMMENDATIONS

Most of the recommendations we would make are implicit in the comments made above. We believe that the best starting point would be to address the recommendations made in the the CBO report, as listed above.

We thank you for allowing us to present testimony. We will be pleased to supplement this statement in order to respond to any questions you may have.

WLP/ms

Attachments: as stated

The **Chairman**. Thank you for your testimony. That was as articulate a statement as I have heard in such a short period of time before this committee than in the whole 9 years I have been on this committee. I just want to compliment you for it.

We have called this hearing to address barriers to adoption. Let me just ask you this.

Are there any legitimate barriers to adoption in your view?

Dr. **Pierce**. I think there are. We heard from Mr. Hester today about one of those legitimate barriers. He said one of the people who was one of his foster parents had a severe problem of alcoholism, and this alcoholic father physically abused him. Obviously, a severe drinking problem is one of the barriers. We do not want any child placed in a family where there is alcoholism.

The **Chairman**. And other similar barriers.

Dr. **Pierce**. Yes. And there are other similar barriers.

The **Chairman**. How long do you think we should allow a healthy black infant, a child, to wait before having the alternative of a transracial adoption?

Dr. **Pierce**. Senator, I do not think that a healthy black infant should wait any longer than a healthy white infant. We know in our country that we are going to have every year 200,000 or 300,000 healthy black infants who are born out of wedlock. We have a lot of healthy white infants that are born out of wedlock. We cannot have a special recruiting campaign for every one of these healthy black infants and say we are going to need a home. We are going to predict we are going to need 200,000 homes. We have done recruiting for 10 years. I do not believe there is any reason to stack these kids up in 3 months of foster care or 6 months of foster care, or 9 or 12 months, while we wait again for some couple to respond to the needs of a healthy black infant. I do not think we should wait at all.

The **Chairman**. Many of the adoption specialists interviewed by my staff, including the National Association of Black Social Workers, who will testify next, they have told us that what is needed is a greater effort to recruit black adoptive parents as well as dropping home studies by white social workers that minority applicants find intimidating or insulting.

What is your evaluation of that position?

Dr. **Pierce**. Well, as I say, the only thing that we can rely on is the data that we have. One of the things that we know from some statistics, the only good statistics that we have from the National Center for Health Statistics, is that for some reason black families are adopting at a much less lower rate than white families. You may hear some of these statistics here this morning. But frankly they are cooked statistics. In terms of fees, I think that is a question that the Congress has to deal with. If a black family pays for their doctor bills when they have a child, if they pay for the pediatrician costs, then I think that we have an area of some controversy if we say that a middle-class black family should not pay for these costs if they adopt a healthy black infant.

In terms of waiving home studies, I think that would be somehow relegating black kids to a lower standard if we said we do not have to be as careful about the kind of home that a black kid goes into as with a white child. I think that we have to be just as sure that a black family does not have an alcoholism problem as a white family.

The **Chairman**. Sure.

Dr. Pierce, I have a whole raft of questions I am going to submit to you in the interest of time because I would like to get the next panel up here But my staff—let me just ask two more that are unique questions that I think you might be able to advise the committee on.

My staff has received data from the U.S. Immigration and Naturalization Service showing that more than 8,000 children from foreign countries were adopted by U.S. citizens in fiscal 1984 alone.

Why are adoptive parents in this country turning abroad when we have so many American youngsters who need adoptive homes?

Dr. **Pierce**. To put it as simply as possible, Senator, it is easier to adopt a black-skinned child from India than it is to adopt a black-skinned child from Anacostia. There is no one——

The **Chairman**. Right here in Washington?

Dr. **Pierce**. That is right. Washington, DC, suburb.

There is no one who is going to hassle you or call you a racist, or call you genocidal if you adopt a child from India, but they are very likely to call you all of those things if you have the temerity to want to offer your home to a child that has one drop of black blood. And here in the District when we talk about recruitment, I have got to tell you a story about what happened during National Adoption Week.

I was on television here in Washington, which is the largest population of black folks percentagewise in the country, and we have a lot of very, very middle-class people who can afford to adopt in this city. The host of the program was a black personality. We talked about the fact that there were children waiting for adoption. And I said to your audience out there in black Washington we have got right now in the city two healthy black infants who are waiting for a home, and the agency that they are with will waive the fees. You do not need to have your own home. You can live in an apartment. You do not have to be wealthy. They will even consider a single parent. But we desperately want a home for these kids. Call the station or call us and we would be glad to put you in touch with the agency so these children can find a home.

After that program was over, Senator, in this city, you know how many phone calls we got?

The **Chairman**. How many?

Dr. **Pierce**. Zero. And the station did not get any calls either to the best of my knowledge.

All I can say is that we have had 10 years of rhetoric about the fact it is white agencies and it is a lack of recruitment and it is a lot of other things that are standing in the way of black children being placed with black homes. And the facts seem to be different. We need more research. But while we are waiting for the research to be done, we cannot wait for the children to go through the kinds of things that Mr. Hester went through.

The **Chairman**. Are you aware—finally, this last question—are you aware of any specific cases other than those of Ms. Brown and Mr. and Mrs. Lahr who appeared here today in which adoptions have been impeded on strictly racial grounds?

Dr. **Pierce**. The best known case here in the Washington area was a couple up in Maryland, the Haas family, who wanted to adopt a 3-year-old multiply handicapped child, and the State of Maryland said no, you cannot adopt because you are white and the child is black. They were special education teachers, a fantastic resource for that child. Finally, after black columnists, such as Bill Raspberry, and editorial writers of the Baltimore Sun and the Washington Post got into the picture, and the Civil Liberties Union threatened to sue the State, they backed down and allowed that couple to place, to adopt that child.

In the meanwhile, the State of Maryland has passed legislation which is aimed at making sure that this kind of situation does not happen again, but it happens all the time, Senator.

Senator **Metzenbaum**. Which way did they pass the legislation?

Dr. **Pierce**. They passed legislation to make it very difficult for the State to use a simple racial test to keep a child from going to a home that was qualified.

Let me put in the record at this point a wonderful article by my friend, Carl T. Rowan, "Should Whites Adopt a Black?" for the benefit of those who care to read this record.

[The article referred to follows:]

Carl T. Rowan

Should Whites Adopt A Black?

There is a 3-year-old handicapped black child named Robert in Baltimore who has been languishing in foster care.

There is a white couple of intelligence, economic means, love and compassion in Aberdeen, Md., who wants to adopt Robert.

There is a Maryland policy that says "every child has the right to be raised by a family of the same racial background"—thus this Aberdeen couple, James and Jackie Haas, have no chance of adopting Robert until social workers have beaten the bushes of America until November and declared that they cannot find a black couple to adopt Robert.

There is a columnist who is mad as hell, fuming over this abominable notion that race must be the dominant factor in deciding who can deliver loving care and protection to a child.

I hear some black social workers talk about a black child's "right to be brought up in a family of the same racial background" and I think it is 1954, and I am hearing a white Jackson, Miss., editor tell me that "every child has the right to be educated among children, and by teachers, of the same racial background."

It can't be black social workers I'm listening to! It must be President Reagan's assistant attorney general for civil rights, William Bradford Reynolds, who a few days ago declared that there is nothing wrong with buildings, neighborhoods or communities being occupied entirely by persons of one race, and that the federal government should not be in the business of trying to bring about racial integration.

Clearly, naked racism is on the upsurge in America. I am angry, not solely because of the role of Reynolds and Reagan in making racism fashionable again, but because of the stupidity of those blacks who play into their game.

The Baltimore Sun quoted Sylvia Grace, Baltimore County adoption supervisor, as saying: "We try to preserve a child's racial heritage." Mrs. Grace, who is black, was reflecting the highly controversial view adopted by the National Association of Black Social Workers in 1970 opposing the adoption of black babies by white couples.

After reading the Baltimore Sun story, I telephoned Grace, who talked to me at length about the dilemma social workers face in such a situation. She said the current idea is to protect black children from the racism they would face growing up in white families in white neighborhoods.

I asked her: "But who says that a poor black couple could protect Robert from a racist America better than a white couple with education, compassion, money and social and political influence?"

Grace then brought up the "psychological dimension." She referred to studies claiming to show that black children in white and interracial families have more emotional problems. She said sociologists have found that "transracial adoptions" in the United States, or adoptions by whites of children from Korea, Japan or other cultures, have created grave problems for the children.

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Dr. Alvin Poussaint, associate professor of psychiatry at the Harvard Medical School, addressed this issue in in June in an interview with The New York Times. He labeled as "myths" the claims that interracial children must inevitably have psychological problems.

"We have lots of reasons to suspect that an interracial background can be an advantage to children in this society," Poussaint said. Contrary to the conventional assertion that black-white marriages have more problems, as do the children of such marriages, Poussaint revealed that his study showed that children in interracial households "may be a more successful group in this society than has previously been believed." He said they not only are high achievers, but are socially adept at forming friendships with both black and white peers.

I sensed that Grace is one black social worker striving honestly—and confusedly—to protect the black children who come under her wing.

"Mrs. Grace," I said, "I will concede that the Koreans, Japanese and blacks adopted by whites may have had worrisome problems. But please consider this. The average black child who lives in a black family in a black section of America today is jobless, and will have no work experience into adulthood, if ever. That child is vulnerable to all kinds of sexual and physical abuse. A tragic number of the young black men will be caught up in crime and drug addiction by the time they reach puberty. Young women will become pregnant, though unmarried, in their teens. These youngsters face psychological trauma of unspeakable proportions—trauma that Robert may never know, however hostile a white Aberdeen environment may turn out to be. And I personally do not think it will be so hostile that the Haases cannot cope with it."

I just cannot abide white politicians or black social workers using race to decide where and with whom a child as desperately in need as Robert can find a loving home.

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The CHAIRMAN. I have a whole bunch of other questions to ask you, but I am going to submit them in writing, and I would appreciate your answering them as quickly as you can.

Let me turn to Senator Metzenbaum.

Senator METZENBAUM. I just have a very few questions, Dr. Pierce.

You and I have met before. You were kind enough to be kind to me in the past, your organization that is. And I would like to ask you whether there is any evidence that biracial adoptions do not work.

Dr. PIERCE. Senator, there is an expert here in the audience that is going to be a technical backup for that, Dr. Altstein from the University of Maryland. He is a researcher who has looked at this very dispassionately, and Dr. Altstein will be telling you and Chairman Hatch that there is no evidence that the children do not do perfectly well. And it is long-term research. It is the best research that has been done anywhere in the world on the way that children turn out. If the children do all right, then what I say is what in the world are we arguing about?

Senator METZENBAUM. Would the National Committee for Adoption support a legislative proposal to ban discrimination based upon race or with respect to adoption procedures which I intend, as I previously announced, to draft, and figure out a way to introduce?

Dr. PIERCE. The intent of the legislation, Senator Metzenbaum, would be right in line with our own statement which calls for transracial adoption.

Senator METZENBAUM. I would be very happy to work with you, and your staff, in putting together the appropriate language. I will introduce it. I would hope the chairman will join me in that effort, and I believe that we could find good and sufficient support to move it rapidly through the Congress. I am looking forward with less than enthusiasm to hearing the statement of the black social workers as to why they oppose, apparently would oppose, such legislation.

Dr. PIERCE. I have read that statement, Senator Metzenbaum, and that statement is not much different than the statements I read 10 years ago.

Senator METZENBAUM. I am one who believes, I as well as my family and others, in a color unconscious society. I just think it is very disturbing that there are actually people who are respected who take this position, and I am looking forward to hearing their testimony with some concern.

Thank you.

The CHAIRMAN. Thank you, Senator Metzenbaum.

We will turn to Senator Dodd.

Senator DODD. Thank you very much, Mr. Chairman.

I know you want to move on to the panel. Let me ask you, as I will ask the others, and the people I missed, I would like to raise the question as well—we recently saw some national statistics and studies on poverty in the country. I think with regard to children, one out of every four children in the United States is living in poverty. When you come to black and Hispanic children, it is one out of every two.

How big a role does poverty play in terms of the parents giving up children for adoption? Always the assumption is the unwed mother, but there have been some indications that an awful lot of cases are occurring just because of the financial burdens of a family, and so parents rather than have a child subsist at their level will place that child for adoption.

Dr. PIERCE. Senator Dodd, that is very, very rare in our experience. The agency, whether it is public or private or nonprivate agency, will bring all the resources available to assist that family to remain together if economic need is the sole thing that is presenting the problem.

I am glad you mentioned that study, "Children in Poverty," because I think, Senator Dodd, that is a great place for the Senate and your own caucus, which we commend you for working on, to take a look at. That nonpartisan research done by the Congressional Research Service and CBO has a list of eight things they think that the Congress should do, and we would really like you to take a look at those eight things, to move on them.

Senator DODD. You agree with them?

Dr. PIERCE. Sure do.

Senator DODD. Thank you for being here.

Dr. PIERCE. Thank you, Senator.

Senator DODD. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Dodd.

I want to thank you, Dr. Pierce, for the time you have taken. We will keep the record open so all the Senators on the committee can ask questions in writing. We think your testimony has been very helpful to the committee.

Dr. PIERCE. Thank you, Mr. Chairman.

The CHAIRMAN. I am going to try to finish the second panel before I have to break for a policy committee meeting. I wanted to finish all three, and I apologize to the third panel. I do not know what else I can do, but we will have them back at 2 o'clock.

Let us now turn to our second panel which will highlight the need for further efforts concerning the adoption of minority children, and I am particularly pleased to welcome Mr. William Merritt, of the National Association of Black Social Workers, and Ms. Jane Edwards, executive director of Spence-Chapin: Services to Families and Children. Accompanying Ms. Edwards is Dr. Howard Altstein, professor of social work at the University of Maryland School of Social Work and Community Planning.

We will include your complete written testimony in the record. However, for now, Mr. Merritt, I would like you to summarize if you can. I am pressured for time, but I think your testimony is very important.

STATEMENTS OF WILLIAM T. MERRITT, PRESIDENT, NATIONAL ASSOCIATION OF BLACK SOCIAL WORKERS, NEW YORK, NY; AND JANE EDWARDS, EXECUTIVE DIRECTOR, SPENCE-CHAPIN: SERVICES TO FAMILIES AND CHILDREN, NEW YORK, NY, ACCOMPANIED BY DR. HOWARD ALTSTEIN, PROFESSOR OF SOCIAL WORK, UNIVERSITY OF MARYLAND SCHOOL OF SOCIAL WORK AND COMMUNITY PLANNING

Mr. MERRITT. Concerning the amount of testimony we heard so far, I hope we do get ample time.

The CHAIRMAN. You bet.

Mr. MERRITT. Considering the concern. First I would just like to speak to an issue that was just raised by Dr. Pierce in terms of his statement about Washington, DC.

Right now in Washington, DC, the Homes for Children has 50 black homes waiting for children. And had there been efforts, the right kind of efforts made in terms of funding these black homes, they are available.

Let me go on to say also I feel that the testimony here today is not balanced. There are not represented here the children, representatives of the children who now suffer as a result of their transracial adoption, nor are there representatives of the thousands of black families who have been discriminated against as they attempted to be adoptive parents.

The CHAIRMAN. That is why you are here, Mr. Merritt.

Mr. MERRITT. I do not represent those families.

The CHAIRMAN. Perhaps we can do something about that.

Mr. MERRITT. My name is William T. Merritt. I am the president of the National Association of Black Social Workers. I am a resident of the city of Plainfield in the State of New Jersey. I have a master's degree in social work. I have worked in child welfare for 22 years, have served on many national, State, and local welfare committees who have focused on the needs of children. Presently, I am the executive director of Girls' Center, a residential treatment facility for adolescent females.

I am very happy to have this opportunity to speak to you today on behalf of the many African-American children who are victimized by a very inhumane and unjust child welfare system. Therefore, I thank you for your invitation.

I speak to you as president of the National Association of Black Social Workers, an organization which was founded in May 1968 in San Francisco. The emergence of NABSW can be traced to the black community's realization that traditional social welfare organizations could not and would not make the needs of the African-American community their No. 1 priority. We recognized, like members of other racial, ethnic, and cultural groups within this country, that it is a responsibility of the members of the black community to play an instrumental role in the provision of human service resources to the black community.

The National Association of Black Social Workers is a nationwide organization of individual members in over 100 affiliate chapters. Our organization's presence can be felt in every region of the United States of America. In addition, we have affiliate chapters in

Nassau, the Bahamas; Montreal, Canada; London, England; Nairobi, Kenya; and South Africa.

The role of the organization is to bring services to the black community and to address itself to its social welfare issues affecting black people. Child welfare and services to black children have been but one of the organization's priorities over the past 17 years. We have invested thousands of hours of research, investigation, program development and implementation in the area of child welfare. Therefore, and justifiably so, we feel eminently qualified to speak out on the issues of foster care, adoptions and barriers to adoptions specifically as it relates to the black community.

NABSW is appalled about the thousands of black children trapped in the foster care system. Consider the following:

Although blacks are only 15 percent of all children in the United States, they comprise almost half of the 275,000 children in foster care.

Black children remain in foster care much longer than white children.

Although black children are more likely than white children to be freed for adoption, they are less likely to be placed in adoptive homes.

Potential foster and adoptive black families are discriminated against because of race, family structure, family size, age, income, religion, et cetera.

Black children are often placed in white adoptive homes because potential black adoptive and foster families are screened out by insensitive agency policies, practices and procedures.

The National Association of Black Social Workers is dedicated to the preservation of the black family. It strongly supports and endorses the fact that there exists in the black community resources to provide suitable homes for those black children in need of permanency. NABSW fully rejects any position that will continue a policy of institutional racism that leads to the destruction of the black family and ignores the inherent rights of the black child to his or her birthright.

We are deeply concerned not only about the experience of black children during foster care, but about the experience of the black child in pre- and post-foster care placement. Many black children are unnecessarily removed from their natural parents because of the use of inappropriate criteria for evaluating child care and discipline in black families. Poverty is covertly utilized as a criteria to remove black children from their natural parents, and transracial adoption is utilized as the "only alternative" to permanent placement of black children.

Black children should receive the same race adoptive parents just as white children who are placed in adoptive homes. Black children adopted transracially often do not develop coping mechanisms necessary to function in a society that is inherently racist against African-Americans. Transracial adoption in the long term often disrupts, and the black children are returned to the foster care program.

Children suffer a further sense of rejection as they try to understand why their adoptive parents, as well as their biological parents, gave them up.

In addition, what about the over 50 percent hard to place white children who are not being adopted?

We are opposed to transracial adoption as a solution to permanency placement for black children. We have an ethnic, moral and professional obligation to oppose transracial adoption. We are, therefore, legally justified in our efforts to protect the rights of black children, black families and the black community. We view the placement of black children in white homes as a hostile act against our community. It is a blatant form of race and cultural genocide, and we are not alone in our stance regarding efforts to preserve and protect the black community from all possible forms of destruction.

The United Nations defines genocide as any of the following acts committed with the intent to destroy, in whole or in part, a national ethnic, racial or religious group: killing members of the group; causing serious bodily harm or mental harm to members of the group; deliberately inflicting on the group conditions of like calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent birth within the group; and finally, and most important to our purpose here today, forcibly transferring children of the group to another group.

We reject the contention that the rights of white families are being violated because they are discouraged from adopting black children. It is the rights of the black child and the black family that are being violated. Black children have a right to be raised within their own community.

The barriers to adoption by black families are numerous and real. They are founded in the outmoded policies, practices, and attitudes of child welfare agency staff.

Racial discrimination, institutional racism, and cultural insensitivity are major barriers to adoption for the black child. It is your responsibility, as Senators, and within your legislative powers, to protect the rights of black children and black families.

Our major concern, therefore, is that black families be allowed to adopt black children. Very little focus has been placed on the fact that black people are willing and able to adopt black children but often are discriminated against and/or discouraged when they try to adopt. A review of some of the black recruitment efforts across the Nation will show that the problem of so many black children trapped in the child welfare system is not due to the shortage of black homes or diminished transracial placement, but to the difficulties in getting the children out of the agencies.

That is my statement.

[The prepared statement of Mr. Merritt follows:]

TESTIMONY BY
PRESIDENT WILLIAM T. MERRITT
NATIONAL ASSOCIATION OF BLACK SOCIAL WORKERS
SENATE HEARINGS
COMMITTEE ON LABOR AND HUMAN RESOURCES
"BARRIERS TO ADOPTION"
NATIONAL ASSOCIATION OF BLACK SOCIAL WORKERS
271 WEST 125TH STREET
NEW YORK, NY 10027
TUESDAY, JUNE 25, 1985, 10:00 AM

INTRODUCTION

Good Morning:

My name is William T. Merritt, President, National Association fo Black Social Workers (NABSW). I am a resident of the City of Plainfield in the State of New Jersey. I hold a Masters degree in social work and have worked in child welfare for the past 22 years. I have served on many national, state and local committees which have focused on the needs of children. Presently, I am the Executive Director of Girls' Center, a residential treatment facility for adolescent females.

I am very happy to have this opportunity to speak to you today on behalf of the many African-American children who are victimized by a very inhumane and unjust child welfare system. Therfore, I thank you for your invitation.

I speak to you as President of the National Association of Black Social Workers, an organization which was founded in San Francisco, California during May, 1968. The emergence of NABSW can be traced to the Black community's realization that traditional social welfare organizations could not and would not make the needs of the African-American community their number one priority. We recognized, like members of other racial, ethnic and cultural groups within this country, that it was the responsibility of the members of the Black community to play an instrumental role in the provision of human service resources to the Black community.

The National Association of Black Social Workers is a nationwide organization of individual members in over 100 affiliate chapters. Our organization's presence can be felt in every region of the United States of America. In addition, we have affiliate chapters in Nassau, Bahamas; Montreal, Canada; London, England; Nairobi, Kenya; and South Africa. The purpose of the organization is to bring services to the Black Community and to address itself to social welfare issues affecting Black people. Child welfare and services to Black children has been but one of the organization's priorities over the past 17 years. We have invested thousands of hours in research, investigation, program development and implementation in the area of child welfare. Therefore, and justifiably so, we feel eminently qualified to speak out on the issues of foster care, adoptions and barriers to adoptions specifically as it relates to the Black community.

NABSW is appalled about the thousands of Black children trapped in the foster care system! Consider the following:

- Although Blacks are only 15% of ALL CHILDREN in the US, they comprise ALMOST HALF of the 275,000 CHILDREN IN FOSTER CARE.
- Black children REMAIN IN FOSTER CARE MUCH LONGER THAN WHITE CHILDREN, despite the fact that they are less likely to be handicapped.
- Although BLACK CHILDREN are more likely than white children to be freed for adoption, they ARE LESS LIKELY to be PLACED IN ADOPTIVE HOMES.

-Black children who spend most of their childhood in foster care are more likely to EXPERIENCE JOBLESSNESS, HOMELESSNESS, MENTAL ILLNESS, DRUG ABUSE, DELINQUENCY, CRIME AND SUICIDE after they "age out" of the foster care system.

-Potential foster and adoptive Black families are DISCRIMINATED AGAINST because of race, family structure, family size, age, income, religion, etc.

-Black children are often placed into white adoptive families because potential Black adoptive and foster families ARE SCREENED OUT by insensitive agency policies, practices and procedures.

The National Association of Black Social Workers (NABSW) is dedicated to the preservation of the Black family. It strongly supports and endorses the fact that there exist in the Black community resources to provide suitable homes for those Black children in need of permanency. NABSW fully rejects any position that will continue a policy of institutional racism that leads to the destruction of the Black family and ignores the inherent rights of the Black child to his/her birth right. We are deeply concerned not only about the experience of Black children during foster care, but also about the experience of the Black child pre and post foster care placement. Many Black children are unnecessarily removed from their natural parents because of the use of INAPPROPRIATE CRITERIA for evaluating child care and discipline in Black families. Poverty is covertly utilized as a criteria to remove Black children from their natural parents. And transracial adoption is utilized as the "only alternative" to permanent placement of Black children.

NABSW feels that all efforts should be made to keep children with their biological families or return them to their relatives if they are already in foster care. When we speak of the biological familiy we include the extended familiy, as well as the natural parents. If return to relatives is not possible, adoption is the best alternative, as the child will receive a permanent family and will no longer be bounced around in the child welfare system. Black children should receive "same-race" adoptive parents, just as white children who are placed in adoptive homes.

TRANSRACIAL ADOPTIONS

Some experts and others believe that transracial adoption (white families adopting Black children) will alleviate the problem of the large numbers of Black children in care. However, this is a myth because:

- The majority of white families who would consider transracial adoption want healthy infants and toddlers. However, the majority of Black children in need of adoption are eight years old and older and are special needs children.
- The placement of Black children in white families does not decrease the large number of Black children in need of families.
- Black children who have grown up in white families suffer severe identity problems. On the one hand, the white community has not fully accepted them and, on the other hand they have had no significant contact with Black people.
- Black children adopted transracially, often do not develop coping mechanisms necessary to function in a society that is inherently racist against African Americans.
- Transracial adoptions in the long term often disrupt and Black children are returned to the foster care program. Children suffer a further sense of rejection as they try to understand

why their adoptive as well as their biological parents gave them up.

- In addition, what about the over 50% hard to place white children who are not being adopted.

We are opposed to transracial adoption as a solution to permanency placement for Black children. We have an ethnic, moral and professional obligation to oppose transracial adoption. We are therefore *legally* justified in our efforts to protect the rights of Black children, Black families, and the Black community. We view the placement of Black children in white homes as a hostile act against our community. It is a blatant form of race and cultural genocide. And, we are not alone in our stance regarding efforts to perserve and protect the Black community from all possible forms of destruction. The United Nations defines genocide, as any of the following acts committed with the intent to destroy, in whole or part, a national, ethnic, racial, or religious groups:

a. killing members of the group;
b. causing serious bodily or mental harm to members of the group
c. deliberately inflicting on the group conditions of life calculated to bring about it's physical destruction in whole or in part;
d. imposing measures intended to prevent birth within the group; and, finally (and most important to our purpose here today)
e. FORCIBLY TRANSFERRING CHILDREN OF THE GROUP TO ANOTHER GROUP.

We reject the contention that the rights of white families are being violated because they are discouraged from adopting Black children. It is the rights of the *Black child* and *Black family* that are being violated. BLACK

CHILDREN HAVE A RIGHT TO BE RAISED WITHIN THEIR OWN COMMUNITY.

We are angered and dismayed by the practices of many child care agencies that have put forth the myth that African-Americans are not interested in adoption and that they "can not find" African-American homes. This is totally false. Historically, both in Africa and the United States, Black people have taken in and cared for children through the informal adoption system. The tradition of informal foster care and adoption is well ducumented in Dr. Robert Hill's book Informal Adoption Among Black Families (1977). However, Black families adopt through the formal adoption system as well. According to the National Resource Center on Family Based Services at the University of Iowa School of Social Work: Black families adopt Black children through the formal, legal adoption process at 4.5 TIMES GREATER THAN OTHER GROUPS OF COMPARABLE STRUCTURE AND INCOME. And, according to the National Urban League's BLACK PULSE SURVEY, 1981: Nationally about 5 MILLION HOUSEHOLDS ARE INTERESTED IN ADOPTING a Black child.

However, African-American families are often discriminated against when they attempt to adopt Black children. This discrimination occurs in violations of the Civil Rights Act of 1964, Title VI.

CLEARLY, FACTS INDICATE THAT THERE ARE ENOUGH BLACK FAMILIES INTERESTED IN ADOPTING BLACK CHILDREN if provided with appropriate, non-discriminatory adoption services. In addition, special adoption recruitment projects sponsored by Black organizations over the past twenty years have demonstrated that adoption services designed for and located in the Black community are successful in identifying families for children (See Attachment). It is the policies, practices and procedures of child care agencies that keep Black children trapped in the foster care system.

Robert L. Woodson, President of the National Center for Neighborhood Enterprise in Washington, DC stated in the June 26, 1984 edition of the Wall

Street Journal, "The [Child Welfare] system has evolved into an industry with perverse incentives for social agencies to maintain children in the system because of increased revenue. Some 70% of the money for foster care is spent for administration overhead and services". What we have done, according to the National Council of Family and Juvenile Court Judges is to "replace parental neglect with governmental neglect".

The barriers to adoption by Black families are numerous and real. They are found in the out-moded policies, practices, and attitudes of child welfare agency staff. SOME of these barriers are:

1) Little or non-existant outreach into the African-American community in order to recruit adoptive homes.
2) Long delays in having applications processed due to lack of staff or cumbersome procedures at child care agencies.
3) Non-professional and non-middle class Blacks are often discriminated against as agencies prefer professional and articulate Black families.
4) Families of non-mainstream religions (Jehovah Witnesses, Pentecostal, Muslim) are often discriminated against and denied children as agencies do not understand their religious practices.
5) Staff at traditional agencies often act negatively toward Black prospective parents as they do not understand Black culture.
6) Single parents, regardless of economic or social status continue to be discriminated against.
7) Prospective parents often have a long wait after approval, even for older children, ages seven through fourteen, because agencies are reluctant

to work with each other in facilitating placement of children.

8) Because agencies are not fully funded or reimbursed for adoption services, they are often reluctant or unable to make all out efforts to have children adopted.

9) Many child care workers consider certain Black children unadoptable and do not put forth efforts to find families for them.

10) Agencies are often relunctant to work with each other, whether interstate or across state lines, because they do not wish to split adoption fees and/or they do not trust each others professional competence. Therefore, children and families often wait years to be matched.

11) There is a lack of African-American staff at all levels of employment in child care agencies with whom Black families can relate.

12) Some agencies still charge fees for adoption, thereby discouraging many applicants for applying.

Racial discrimination, institutional racism and cultural insensitivity are major barriers to adoption for the Black child. It is your responsibility, as Senators, and within your legislative powers to protect the rights of Black children and Black families.

It is an erroneous assumption, implied by the press, the larger white society and the Child Welfare System, that the NABSW would rather see Black children in foster homes and/or institutions than in white homes. We have never stated such a position or policy nor do we advocate such a stance. The NABSW orgranization's position/policy is permised on three basic concerns;

1) That Black families be allowed to adopt Black children. Very little focus has been placed on the fact that Black people are willing and able to adopt Black children, but often are discriminated against and/or discouraged when they try to adopt. A review of some of the Black recruitment efforts across the nation will show that the problem of so many Black children trapped in the Child Welfare System is not due to the shortage of Black homes or diminished transracial placement, but to the difficulties in getting the children out of the agencies.

2) That Black chidren not lose their cultural identity being reared in a white home. Advocates of transracial adoption have tried to negate the importance of an ethnic or cultural identity and have stressed "human idenitty." While we don't negate that all people have basic common needs, it is a reality that in a race concious society such as the United State, a person's color (race) proceeds him/her. Unfortunately, Black people are judged by the color of their skin and all the negative stereotypes that hve been attributed to that color and not by their "human identity". It is imperative that Black children learn the survival skills that have perpetuated our race thus far. It is our contention that these skills can only be improved by the Black experience itself and not by reading books, studying Black hisotry and/or watching television shows depicting Black people, as some "experts" on transracial adoption seem to suggest.

In view of the above-mentioned concerns we have as Black people, we strongly urge you to consider the evidence that Black children need their ethnic-cultural identity in order to develop adoptive coping skills necessary to adjust to our society.

RECOMMENDATIONS

We therefore offer the following recommendations to insure that Black children and Black families are not discriminated against and are provided with the appropriate services:

- Provide CONTINUED FINANCIAL support to Black adoption programs which have a proven succes record such as HOMES FOR BLACK CHILDREN in Detroit, Michigan, and the ASSOCIATION OF BLACK SOCIAL WORKERS' ADOPTION SERVICE in NEW YORK CITY.
- Provide for MONITORING of the provision of adoptive services to Black families to insure that they are not discriminated against.
- LEGISLATE SPECIFIC STEPS which must be followed when providing adoption services to Black children and families and the LEVYING OF FINANCIAL PENALTIES when agencies do not comply.
- RECRUIT more Black agency staff at all levels who are knowledgable about the strengths of the Black community and families.
- Provide FUNDING FOR MANDATED TRAINING for all child welfare staff on working with Black families and the Black community.
- MANDATE GREATER COMMUNITY INVOLVEMENT AND ACCOUNTABILITY TO THE BLACK COMMUNITY for services provided for Black children in care.

Thank you

ADDENDUM

Examples of NABSW Chapter Activity Related to Foster Care and Adoption

TThe New York City Chapter established the Child Adoption Counseling and Referral Service in 1975 with the following objectives:

1) to recruit, evaluate and refer prospective adoptive and foster families;
2) to educate the community as to the plight of the Black child in the Child Welfare system;
3) work to change child care agency policies and state laws that make it difficult for Blacks to adopt.

Our service was the only one of its kind in the country when it began, according to the North American Center on Adoption which is part of the Child Welfare League of America. The North American Center on Adoption works with and helps adoption efforts around the country for the purpose of reforming the adoption system. According to NACA, our Service was unique in that we were the only adoption advocacy group that used professional social workers as volunteers and which did in-depth personal interviews and screening before referring clients to child care agencies. Our Director, Leora Neal, received a Fellowship Award from the North American Center (on Adoption in 1976.

Our service has become a model for other programs throughout the nation. We have acted as consultants to various public and voluntary child caring agencies throughout the United States. In addition, we have had international acclaim.

For example, our Director, Leora Neal, was a keynote speaker at the First Annual Conference on Black Children in Care that was held in London, England, November 15, 1983. We also have acted as consultants to Black adoption efforts in London, England: Chad, Central Africa: and South Africa. We have served on various city, state and national committees and commisions on the reform of the adoption/foster care system. We have also testified at public hearings sponsored by the city, state, and various elected officials. Our service has been publicized by various newspapers, magazines, radio and TV stations. In addition, we have been featured on various radio and TV talk shows, such as "Black News" WNEW Channel 5: "Like It Is" WABC Channel 7: "Tomorrow Show" WNBC Channel 4: and "The Today Show WNBC Channel 4: the Judy Simmons Show WLIB: Diane Thompson Show WLIB, etc. Our program has also supervised student interns from graduate and undergraduate schools of social work.

Currently, we are operating four programs: (1) Adoption Counseling and Referral Service: (2) Post-Adoption Services and Career Counseling for CHildren and Parents: (3) An Adoption Training Course entitled "Facilitating African/"American Adoptions". This course trains social workers in public and voluntary child agencies in how to work more effectively with Black families so that Black children can be adopted in larger numbers: (4) Community Alliances for Minority Adoption Project. This project, which is based on the One Church/One Child model, will involve the Black and Hispanic churches in Brooklyn in the recruitment of adoptive families. This program will be housed in the ABSW Day CAre Center in Brooklyn. Our service continues to conduct workshops, forums, lectures at various colleges, and community groups and agencies throughout the nation. We are proud of ten years of service to Black children and families, and we will continue to do our best to maintain and unite the Black family.

The CHAIRMAN. Thank you, Mr. Merritt.

Let me just ask a couple of questions.

Given the fact that the courts have told us that race cannot be a determinative factor in disposing of petitions for adoption as violative of the equal protection clause of the Constitution, actually the 14th amendment, how do you justify your policy statement that children should only be placed in families with the same racial background?

Mr. MERRITT. First of all, I think it is the rights of the child we must speak of before we speak of the rights of the families that intend to adopt. I think that if we recognize the rights of the child and look at some of the problems that result from transracial adoption, we could come to the conclusion that the child's rights would be better served if they were placed.

Contrary to some of the testimony that you have heard, what you have not heard is the testimony of children, the testimony of children who later become adults and find so many problems in terms of adjusting in the community, the problems of not knowing who they are and how they fit into the community. These problems are many. The efforts of the Avegnos, of course, cannot be downplayed. However, there are many black families who would enjoy—who would like to enjoy the same privilege of caring for children just as they have. Many of these families have been discriminated against.

The CHAIRMAN. I do not think that is right either. I am saying I do not think it is right for them to be discriminated against. We have to look into this as well.

Mr. MERRITT. I think that if we did something about that, you would find very few black children on your list of adoptive families.

The other problem is there are many children who should not be in foster homes in the first place. I think Senator Dodd in his questions on the previous testimony was pointing to the fact that there are too many children who enter the system because there are not the resources in the community to keep children in their own homes. Many of the children in foster homes, if the proper resources were in the community, would never have been placed in foster care in the first place. Once they are placed there, there is an abuundance of black families interested in adoption.

As I indicated, right here in Washington, there are 50 homes today that are available for children and cannot get through the bureaucracy in terms of being matched. In Chicago, there are very few children who are in need of homes, black children, because of the efforts of "Black Homes for Children" out there that have made efforts. In Detroit, in the first year of operation, they placed 137 black children, more than all the 13 traditional agencies that existed. So that where there is effort and where there is the proper kind of programs, there is no problem in placing black children in black homes.

The CHAIRMAN. I think it is important to note that four times more black families adopt than white families, so one of the points you are making is very good. But even so, in spite of that, in 1977, 33 percent were minority children in foster care, and in 1983, just a matter of 6 years later, it went from 33 percent to 47 percent. So I do not know what the answer is, but it is clear that we need to try and resolve some of these problems. That is why I did legislation on recruitment of minority families because I think it is really important that we resolve that problem and come up with some solutions.

Let me ask you one other question and then I will turn to Senator Metzenbaum.

I am really concerned about this issue and, you know, if I had the answers, I would not have held the hearing.

Mr. **Merritt**. Right.

The **Chairman**. That is why we are grateful to have you here as well. But in addition to my first question, the courts stated the only instance where race can be a determinative factor is if there is shown to be reasonable cause for denying the adoption placement. Most of the research I have seen, and admittedly I may not have seen it all, but most I have seen demonstrates that transracial placement has no detrimental effect on the best interests of the child. Therefore, it could not be shown to be reasonable or what we call a reasonable cause for denying placement of these children.

Therefore, my question to you is, is it not in violation of the equal protection clause to deny adoptions solely on the basis of race, if you can answer that question?

Mr. **Merritt**. Well, then, Senator, I think the question is should we have a lottery of children and place white children in black homes.

The **Chairman**. I do not think that is a question.

Mr. **Merritt**. I think it is. The question relates to whether whites should be denied the rights to adopt. We have not heard a great deal of testimony in terms of the reverse. In fact, the history of adoption shows that at one time black children and black families were not even considered in the private sector in terms of adoption because there was not the need for—there was a surplus of white children at one time. I am saying that if we are going to look at it in terms of transracial adoption, should we not be considering then that all children should be therefore placed in any home, and that is not the question that is being raised. That is not the testimony that you have heard. The testimony has been purely on placing of black children in white homes. And we do feel that in this multiethnic environment that we live in in this country and also the fact that black people do continue to be discriminated against and that black children do have to face the problems of adjusting in a community that continues to place color, make color a basis for decisions, if it were true that we lived in a society that did not treat people on the basis of their color, we would have a much different kind of situation. And if we could have the same enthusiasm on some of the other problems that relate to color, I think that once those obstacles were overcome, we would not be in a position of arguing or debating today as to whether black children belong in white homes or black homes. But the fact is that we do live in a society that does discriminate, and the children have a right to develop the same coping mechanism.

The **Chairman**. You know, blacks themselves do have barriers to adoptions, and that is why we are working to try to remove some of those barriers. With particularity, recruitment, Medicaid, adoption subsidies, these may be areas where we have got to resolve some of the problems black Americans have as well as in the adoption area, but I am appreciative to have you here, Mr. Merritt.

Let me turn to Senator Metzenbaum at this time.

Senator **Metzenbaum**. Mr. Merritt, from my previous comments, it is quite obvious you and I are not in accord on this issue, and you would, in your testimony, make the issue whether whites are denied their rights to adopt a black child. Frankly, I would not make that the issue at all because I do not think that is the issue. To me the issue is the opportunity, the right of the child, and it seems to me that what some of us are saying is that that child ought to have an opportunity to be adopted by a loving parent.

The **Chairman**. Regardless of race.

Senator **Metzenbaum**. Regardless of race.

I do not have any real problem if a black family wants to adopt the child and a white family wants to adopt the child. I would recognize it would be discriminatory, or could be discriminatory if they gave the child to the white adopting parents, although even there I have great reservations about making that statement.

But the facts are, according to Dr. Pierce, I thought I heard him say something like there are 200,000 or 250,000 black children each year added to a pool of children available for adoption, and you testified that there are 50 adopting parents who are black parents who want to adopt a child here, so many in Chicago, et cetera. You also make the statement about the number of black children in foster homes being much greater, the number of black children being much greater than the number of white children percentagewise.

What concerns me is that I have always thought that there ought not to be discrimination based upon race, whether it was in employment, or whether it was in education, and I get the feeling there is a kind of racism involved in your testimony, and I know you would not be willing to accept that, and I am not suggesting that. What about the child? I cannot believe that there are not literally hundreds or thousands of black children out there ready, available for adoption. You seem to indicate that that is not the case.

Why am I so mistaken about the facts?

Mr. **Merritt**. Let me clarify a few things.

First of all, I do not agree with much of Dr. Pierce's testimony. Two hundred fifty thousand children are not available, black children, are not available for adoption. We talk in terms of 250,000 to whatever number of children are in the foster care in total.

Second, in terms of child rights, or rights, we are talking about the child's rights. Unfortunately, children very often do not have, or young children, do not have an opportunity to speak for themselves, and to make choices. It is left up to a system, a child welfare system, in this case.

First of all, many of the children's rights are being violated, because they are placed, in the first place, much of it due to racism. We have the problem that racism pervades the child welfare system, just as it does in other areas. There are very few black practitioners in policy making positions, very few throughout the system in a position to impact on the policies and procedures, as well as have the sensitivities that are so much needed.

I would say if you would change, or if we could make some changes, just in affirmative action within the child welfare system, we would find there would be major changes in the number of black children who are on the list.

Senator **Metzenbaum**. Who are what?

Mr. **Merritt**. On the list of children in foster care. Many of the social welfare workers do not even know how to deal with the caseloads in terms of what to do with the child who is in foster care. That is why many of them remain in foster care so long, because they do not know how to make the decisions as to which ones should be put in permanency, and which should remain in foster care.

I think that if efforts were made, for instance, to keep children within their own family systems, that is much better, that a child remains in its own home. I do not think anyone can disagree that if you have a good home, that the child belongs at home, and that is with their extended family, as well as the direct parents.

If efforts were made to keep children within that system, we would have fewer children in foster care. Too many children are disrupted from their homes much too soon.

Second——

Senator **Metzenbaum**. How do you mean? You mean they are taken away by the social agency? Is that what you are saying?

Mr. **Merritt**. Yes. The first problem has to do with our economic systems in this country, that put too many black children in housing that is not good.

Senator **Metzenbaum**. We are in agreement on that.

Mr. **Merritt**. Which increases the possibility of children going to foster care. Also, we have a foster care system, a child welfare system, that does not know how to relate to the families that they are going to.

Recently there was a meeting with our Commissioner of Human Services, Mr. Albonese, in New Jersey, who stated one of his biggest problems over the last 3 years as commissioner has been the problems in the area of hiring black people—that is, I am sorry, the Civil Service Commission, that too many black people do not get into the system in terms of working, and that he has too many white social workers who are afraid to move around the black community. This was the State Commissioner of Human Services, that they are afraid to be involved in the black community. These are the same people who are asked to go out and recruit, and to be sensitive to those issues of a black family.

So that those are the same social workers that go in and review a home, and determine that a child needs to be placed in foster care, when the family in all probability might be worked with, to be helped to keep that child in their own home.

Many children are removed from homes much too soon. There is not a lot of work done in terms of looking at the extended families.

Senator **Metzenbaum**. You and I agree on that. Let us get to the basic question, and let me give you the basic question. A black child is available for adoption. There are no black parents willing to adopt that child. They have used extensive recruiting efforts. They have gone on radio, done whatever, and it comes down to the bottom line, that there is not a black family willing to adopt that child.

Now, as I understand your testimony, that child should not be adopted by a white family.

Mr. MERRITT. That is not what I am saying.

Senator METZENBAUM. What are you saying?

Mr. MERRITT. I am saying, first of all, that is not true.

Senator METZENBAUM. First of all, I made up the case, so it cannot be untrue. It is a hypothetical case.

Mr. MERRITT. OK. In a hypothetical case it would not be true even then. What we are saying is the fact——

Senator METZENBAUM. That is pretty good, to make a hypothetical case untrue.

Mr. MERRITT. I am saying that if you could, for instance, if you can show documentation——

The CHAIRMAN. Let us assume the hypothetical case is true. Let us assume what Senator Metzenbaum says is true. Would that black child be barred, under your viewpoint, from adoption by a white family?

Mr. MERRITT. No. The child would not be barred, but my view is——

The CHAIRMAN. But would you bar the child, or your organization? Would you prefer that the child be barred from placement in the white family?

Mr. MERRITT. We would not bar the child, or obstruct that child's placement, if certain documentations were shown, and part of the documentations were to be to see if we had homes for that child, or some of our affiliates, affiliate programs, but we are saying once you have exhausted all means, of course, we would not block a child from permanency. Every child needs permanancy, but I think we ought not to focus on the exceptions, and those are the exceptions, rather than the rule.

The CHAIRMAN. How long would you wait before you allowed the child to be adopted by a white family, assuming——

Mr. MERRITT. The difficulty in answering your question relates to the problems that we have in the system as it exists, and the system is that you will have the kind of testimony that you have had previously, that would suggest that black families do not exist.

We have a system that attempts to prove that children cannot—that families cannot be found, and will give you testimony that they have exhausted all means.

Senator METZENBAUM. Mr. Merritt, you say you would not oppose it under those circumstances, but are you not the same Mr. Merritt who said, we are opposed to transracial adoptions as a solution to permanency placement for black children? We have an ethnic, moral, and professional obligation to oppose transracial adoption. We view the placement of black children in white homes as a hostile act against our community.

As I gather, you are more concerned about that approach than you are about that little black child who cannot find an adoptive black parent, and who can find an adoptive white parent.

Mr. MERRITT. No, Senator.

Senator METZENBAUM. It is a hostile act against our community.

I am having great difficulty, from a whole life's background of thinking that I do not want to look at color, and you are making this into a black against white situation.

The CHAIRMAN. Would you yield for a second, Senator Metzenbaum?

Senator METZENBAUM. Sure.

The CHAIRMAN. In the Wall Street Journal there is an article by Cynthia Crawson, where she says:

> Foreign adoption shares with American adoption a scarcity of healthy infants, especially the light skinned ones that many white Americans want. Ironically, some white American couples are willing to adopt a dark skinned foreign infant, but not a black American one. Right now, though, they do not have much choice. In 1972 the National Association of Black Social Workers denounced transracial adoption, by calling it a form of genocide.

Which, of course, Mr. Merritt, you have done here today.

Now most private agencies will not place black babies with white parents.

Is this an accurate statement?

Mr. MERRITT. I did not hear it in its entirety, but from what I generally heard, yes.

The CHAIRMAN. I see.

Mr. MERRITT. Can I finish?

The CHAIRMAN. Let me put that complete article in the record at this point, so that those who want the benefit of this hearing can read it.

[The article referred to follows:]

Adopting Abroad: Battling Illness, Bureaucracy, Expenses and Racism

By Cynthia Crossen

Staff Reporter of The Wall Street Journal

They're well-off, well-established and satisfied with life. Except that they can't have what they want most of all—a baby.

Many couples who delayed childbearing while they pursued careers are now ready for children. But partly because of their age, hundreds of thousands of these couples are infertile.

In these unhappy circumstances, past generations had the option of adopting healthy American infants. But now for every American baby looking for parents, there are 40 couples looking for a baby.

The result is a desperation the adoption business has never seen before. It's a desperation that leads some couples to put themselves on agency waiting lists, where they'll sit three to seven years; when the infant arrives, the couples may be too old to be eligible. It leads other couples to get a baby through so-called private adoptions, paying thousands of dollars in medical and legal expenses for the birth mother; while 39 states permit such adoptions, the law sometimes assists a birth mother who changes her mind.

Korea First

So more childless couples are looking to adopt overseas. In 1983 (the last year for which statistics are available), 8,000 children were adopted from foreign countries, up from 5,000 in each of the several preceding years, according to the National Committee for Adoption. Korea is the largest source of babies, but Colombia, India and Central America have also become major suppliers.

While usually faster than American adoption, venturing abroad exposes couples to a minefield of pain and frustration. It challenges the determination of even the most desperate couples, who must cope with the vagaries of foreign courts, the sickliness of foreign orphans and the couple's own ambivalence about adopting a child of a different race.

Foreign adoption shares with American adoption a scarcity of healthy infants, especially the light-skinned ones that many white Americans want. Ironically, some white American couples are willing to adopt a dark-skinned foreign infant but not a black American one. Right now, though, they don't have much choice; in 1972, the National Association of Black Social Workers denounced transracial adoption, calling it a form of genocide. Now most private agencies won't place black babies with white parents.

Foreign adoption forces couples to go through a strange and discomforting process: They have to decide what physical or mental handicaps they could tolerate in their child. The more flexible they are, the faster they'll get their baby.

"One thing we were concerned about was knowing the child would have a certain intelligence," says Sarah Brezavar, a New York architect who, with her husband, has adopted two Korean daughters. "The (social) worker suggested we take a child that's over a year because there's no way of knowing earlier."

Whatever handicaps each adoptive couple decides it can live with, all have to be prepared for illness and usually correctible disabilities. "Michael and I discovered that our little Mark had thrush, jaundice and a severe bilateral clubfoot condition which had been translated earlier as 'pigeon toes,'" wrote Deborah McCurdy, a social worker who adopted a Colombian child, in a letter to other adoptive parents. Or as the spokeswoman for International Concerns Committee for Children says, "Malnourished, lice, rickets, scabies, two different-sized feet, webbed left hand—that's a healthy kid."

> THE RED TAPE in South America is so nightmarish that it can leave couples with a lingering paranoia about losing their babies.

While American couples often agree to be flexible about what kind of children they'll take, many foreign agencies aren't so flexible about the kind of American parents they'll take. "Families will have a good education, a stay-at-home mom, a high income, and one will be Japanese," reads a listing for an agency that handles Japanese adoptions. "Parents are to be Catholic and have no previous divorce," reads a listing for a Mexican agency.

The listings of available foreign children read like mail-order catalogs. "Polynesian children with round faces, light to medium-brown skin, dark brown or black hair," reads one listing from Samoa.

But more troubling than choosing a child like a commodity is the realization that it will be no easy task to get him or her home to America.

In the case of South American adoptions, the red tape is so nightmarish that it can leave couples with a lingering paranoia about losing their babies. A New Jersey woman interviewed for this article would not allow her name to be used because her Colombian-born child's adoption wasn't final.

Even to initiate a foreign adoption, the couple had to subject their lives to close scrutiny. They needed, she says, "one copy of a home study (an intensive study of the family by a social worker), three letters of reference, marriage certificate, both birth certificates, a letter from our bank, a letter of employment for my husband, one letter each from doctors saying we were in good physical and mental health and one copy of income tax returns for the past two years. All notarized."

The bureaucratic frustrations intensify when the couple travels overseas to collect the child. "We ended up staying in Bogota for a month," the New Jersey woman says. "We found out that our lawyer hadn't been notified we were coming, and that held things up for about a week. Then we ran into holidays."

One Said 'Yes', Another 'No'

Other couples say foreign judges don't always agree about the value of American adoptions. "We were adopting two children from two different families," says Estelle Capowski, who, with her husband, has adopted four Colombian children. "One was turned down by a judge and one wasn't. It's like a lottery."

Foreign adoption is also expensive. "For each of our (two children) it was about $10,000," says the New Jersey adoptive mother, "including lawyers' fees, court fees, the cost of living in a hotel down there, round-trip airfare, medical fees."

There are often some unofficial fees, too, the strongly encouraged "donations" to the orphanages or helpful locals who smooth the way. "Let me preface this by saying that I probably would have brought gifts anyway," says the New Jersey woman. "But it was mentioned that it would be a nice thing to do. There were a lot of boxes to take down—we had to rent a U-Haul to get all the stuff we were taking to the airport."

When they finally get their children home, adoptive parents, especially of foreign children, face a startling realization. They will never blend into the landscape of ordinary families. "For the rest of your life, you will be an interracial family," says Ms. Brezavar. "Just as if you had married someone of a different race. And there's still a very strong prejudice against it."

Some people respond to foreign adoptees as charity cases, children lucky to have been rescued. To a certain extent, that's true: Most children left in their home countries would grow up in orphanages—if they grew up at all. But Ms. Brezavar doesn't share that attitude. "It was convenient that they needed parents and we needed kids," she says. "But at the time our need was probably greater than theirs."

Mr. MERRITT. I think in answer to your question, I do not think there is anything contradictory to what I said. However, we do not say that the child should not be placed in a permanent home. That was never a statement made by us.

I think that part of the problem is that you are not focusing on the right issues, and the issues are that there are black families who are available for children. The issues are that black children, as other ethnic groups, should be within that ethnic group, if at all possible.

The facts are that some of the statements that have been made earlier about the number of children, black children, do adjust in white homes, are not very valid. Many of the studies do not take into consideration the child after the age of 14.

While I am sure that there will be testimony, as we have heard earlier, there are people who have grown up in transracial adoption situations, who feel that they have adjusted well, those are exceptions, and policies should not be based on exceptions.

We can show you just as many children, and adults, who have not adjusted in those homes. Here in Washington, DC, last week, a 10-year-old child was returned to the child welfare agency from a transracial placement.

I have talked to social workers throughout the country who can tell you of many children in the ages of 18 and over, whose adoption placement disrupts. That is not to say that people, such as the Avegnos, are not successful in helping those kinds of children, but the evidence is, from our point of view, that overwhelmingly there are too many children who suffer as a result of their transracial placement.

I think that when we talk about rights we have to look at the child in terms of its overall development, and the probabilities of what will happen to those children. You also have to give consideration to the kind of environment that exists in this country.

The facts are that many children, and blacks in this country are discriminated against, and the must develop the coping powers, the mechanisms to deal with this kind of society.

I do not believe that there is any ethnic group that would not attempt to preserve its own ethnicity.

The CHAIRMAN. Senator Dodd.

Senator DODD. First of all, Mr. Chairman, I neglected at the outset of the hearing to say I have an opening statement.

The CHAIRMAN. Without objection, we will place that at an appropriate place in the record.

Senator DODD. I should have noted I have a deep interest in the subject matter. As a member of the Law Review in law school, I wrote my chief Law Review article on adoption, back in the Family Journal of Law, and the Law Review had to do with the question of commonality in State statutes in the rights of children, and the best interests of children, but it just strikes me a bit this morning, I think we are in the right church, but the wrong pew, in a sense, and clearly there is a problem with adoption.

But I am wondering if we are not just expanding beyond the realm of reality the whole question of transracial issues. It seems to me there are a whole lot of barriers that exist out there.

The **Chairman**. There is not only one barrier. We are considering a whole variety of barriers.

Senator **Dodd**. I am not sure—I think there is one more in Hispanic communities, with the language barriers, and so forth, but I know in the State of Connecticut, for instance, there is a waiting list to adopt infants who are terminally ill. Yet, there is no waiting list at all for children who get beyond the age of 10 or 12, regardless of whether they have any handicaps. That is the kind of problem we are really seeing, and I realize there are other hearings in the Finance Committee yesterday, which had hearings as well, on aspects of all of this.

I would be curious to know—I appreciate Dr. Pierce's testimony and Mr. Merritt's testimony here. I am looking down the witness list, though, and there have got to be some other groups who come somewhere in between all of this. I would like to know where they are, I guess, because——

[Applause.]

The **Chairman**. We have not finished the hearing yet.

Senator **Dodd**. There has to be something in the middle.

The **Chairman**. We have four more witnesses, and we are going to hold an additional day of hearings.

Senator **Dodd**. I appreciate that, and I thank you, Mr. Chairman. I thank the witnesses.

The **Chairman**. I want to thank you, Mr. Merritt, for coming, and I appreciate the effort that you have made to give your testimony, and, of course, answer the questions that we have had.

I want to break until 2 o'clock, but Dr. Altstein has to leave. We are going to put your statement in the record, and could I just ask you a few questions?

Dr. **Altstein**. Sure.

Senator **Metzenbaum**. Give him 2 minutes to give us the nub or thrust of his testimony, because I think his testimony is important, according to Dr. Pierce's statement.

The **Chairman**. He had not planned to testify, just planned on answering questions.

Take a couple of minutes.

Dr. **Altstein**. My coauthor and I have been investigating transracial adoptions since 1972, and I have to say, before I presented the data, that I had no proverbial ax to grind. I am going to talk about what we have found, and what investigators like us have found. You have got to call it the way it is, and look at where the data fall.

From our investigation, since 1972, we have been tracking about 200 families, adding, losing, but essentially about 200 families, and about 350 children. On any measure, on any social science measure that is currently available in the literature, or that has been created as a result of the investigators themselves, black children transracially adopted, Hispanic, Eskimo, native Americans, do not seem be be suffering the expected negative effects of transracial adoption.

In other words, on variables like racial awareness, racial identity, racial attitude, when you compare transracially adopted children's profiles to white adopted profiles, to biological children, there is no difference between the three cohorts.

It is difficult because it is a very passionate, as you heard this morning, area that we are in. Race has always been a passionate area within the United States. It is difficult to present data objectively, without encroaching on emotion, but if you look at the research that has been done by white researchers, by black researchers, by Hispanic researchers, the data are overwhelmingly convincing that there are no significant differences in the profiles of these children.

It is true, as Merritt says, we have data on children up to approximately the age of 16. We do not know beyond that. Nobody knows whether they will be racially confused, or racially secure. We do know what we know today, and what we know today is that after approximately 15 years of doing research across the country, there does not appear to be any difference in these children's attitudes about themselves, as black people, as white people, as Eskimos, as native Americans.

The CHAIRMAN. Dr. Altstein, based on the results of your research, do you feel that transracial adoption serves the best interests of the child, or may serve the best interests of the child?

Dr. ALTSTEIN. According to the data, and what we have as of today, there are no negative effects of being transracially adopted, that we know of today, in terms of who these children think they are, who their friends are, what their social expectations are, how they feel they have been raised, what their attitudes toward black people are, toward white people. There just does not seem to be any data available that says this is not in a child's best interests.

The CHAIRMAN. Can you give a summary of how you view the courts, and how they have handled the issue of the transracial adoption? Have the courts consistently applied the 14th amendment to this issue?

Dr. ALTSTEIN. The 14th amendment is the amendment of equal protection, and if you use race as a single factor, in my reading, and I am not an attorney, if you use race as a single factor in determining anything, it is unconstitutional.

In 1982, the Supreme Court said that the use of race as a factor is "inherently suspicious." The statutory use of race is considered constitutional only if it assists the interest of the Government and is "precisely tailored."

I had reviewed almost every court case since 1980, in child custody, where race was a factor in child custody. Invariably the lower courts have used race as a factor in denying either custody or adoption. Upon appeal, that is for the most part overturned, on the appellate side, but initially there is great inconsistency with the use of race.

But if one is going to look where the skew falls, it is going to fall on race, not to allow custody or adoption, but on appeal usually, right to the Federal Supreme Court, it is always struck.

The CHAIRMAN. Let me ask one other question. What other studies have been done concerning transracial adoption, and have any of them supported your conclusions, or have they arrived at other conclusions?

Dr. ALTSTEIN. Senator, they all have supported, we all have supported each other, without even knowing each other at all. We do get together some times at conferences.

There was a book just published out of the University of Texas, and a black researcher and a white researcher show overwhelmingly that black children raised in white homes versus black adopted children raised in black homes have similar profiles, that one would expect transracially adopted black children to have more negative profiles, but when you look at the control of black children raised by adoptive black families, they are extremely similar, none of the negative aspects that people have grown to think would occur as a result of transracial adoption.

The CHAIRMAN. Thank you.

I am going to turn to Senator Metzenbaum, but I want to thank Ms. Edwards in advance for being willing to come back at 2 o'clock. Your testimony is particularly important, as well, and I am just sorry we cannot continue through right now. But at 2 o'clock, we are going to resume this.

But let me turn to Senator Metzenbaum to finish with Dr. Altstein, so you can leave, sir, and then we will recess.

Senator METZENBAUM. Dr. Altstein, I have only one question. Would you be good enough to furnish me with a copy of your report, and references to other reports that have been made in this field, whether they agree or do not agree with the conclusions you reached?

Dr. ALTSTEIN. There are three other studies like myself and my coworkers, and I would be glad to furnish you with copies of them all.

Senator METZENBAUM. Would you be good enough to send it directly to me personally?

Thank you, Mr. Chairman, and thank you, Dr. Altstein.

The CHAIRMAN. Thank you, Senator Metzenbaum.

I want to thank you for being here, Dr. Altstein.

We will put your findings in the record, so all who are interested in this subject can see them.

Dr. ALTSTEIN. Thank you.

[The prepared statement of Dr. Altstein follows:]

Transracial Adoption: An Alternative to Waiting Children?

HOWARD ALTSTEIN

Historically adoption has never been apolitical. Therefore any attempt to investigate barriers to adoption in this country, enters political, cultural and social worlds.

Today, in our country there are few if any barriers to adopting healthy infants of any color. In fact the dearth of such children in the United States for reasons of contraception, life style changes and abortion has witnessed the growth of intercountry adoption, whereby foreign born children are adopted by American couples. For example for the 12 month period ending September 30, 1984, 7,848 children, mostly Korean infants, were admitted into this country for purposes of adoption. Barriers to adoption must therefore be seen in relation to specific types of waiting children, those with, "special needs", physical and/or emotional handicaps, the older child, minority group children and children of sibling groups. These are not mutually exclusive categories.

Historically, America's response to parentless children has been to place them in public institutions. Some (e.g. the "blue ribbon" child), were adopted by married couples unable to have their own children, while others were placed with "temporary" (foster) families. At times other programs were implemented to reduce the number of children placed into institutions. One such program was transracial adoption, whereby children were adopted by families who were racially and ethnically different from them.

My co-author Dean Rita Simon and I have been studying transracial adoption since the early 70's. Two books, several articles and editorials and a third book just about completed have resulted. I will therefore confine my remarks to this topic.

To this date approximately 20,000 such placements have occurred. However, transracial adoption has, for the most part ended, not because our institutions are now empty, not because there are no additional parents willing to adopt these children, but because minority community leaders saw this as a real threat to the survival of their communities. Pressure to stop this practice was applied to child welfare agencies, successful pressure.

Unfortunately, we are unable to update the number of inracial or transracial adoptions occurring in the United States since no national figures exist beyond 1975. During that year, approximately 104,000 adoptions and an estimated 830 transracial adoptions took place. Based on the trend of fewer and fewer transracial adoptions up until that time (there were 2,574 in 1971), it would not be farfetched to reason that the number of transracial adoptions since 1975 has diminished, particularly since the positions of groups supporting and opposing transracial adoption have if not hardened, remained consistent.

Thinking that transracial adoption is destined to fail, remains popular among many, including child welfare professionals. The idea that somehow this type of permanent child placement is unnatural and therefore, "bound to be unsuccessful" stubbornly remains in the minds of many. In fact individuals who presumably should "know better", insist that studies such as ours and others indicating successful transracial placements, insist it is too fragile an experience not to result in serious problems once the transracial adoptees leave their adoptive families. Yet to this date no data exist supporting or even suggesting that transracial adoption is in the long run detrimental to the transracial adoptees, their adoptive families or siblings. On the contrary, evidence accumulated by us and others over more than a decade of investigating the effects of transracial adoption indicates positive results. Supporting this convincing body of information, a recent study of the children of interracial marriage suggested that this type of background has many advantages for a child. The fact that children in this study live in both the worlds of black and white makes them in many important respects similar to transracially adopted children.

An issue crucial for those opposing transracial adoption is the recruitment and approval of potentially adoptive black parents. It is argued that this process is controlled by predominately white child welfare workers who are not aware of or sensitive to the strengths of black families. That sufficient black families have not been approved for adoption is taken as evidence that many white social workers want to see the continuation of transracial adoption. How then, it is argued, can one explain successful results to locate black adoptive parents, when these efforts are undertaken by predominately black staffed agencies?

One would expect that American society has long since passed the time when laws and practices based solely on race are tolerated. In fact in recent decisions the Supreme Court ruled that laws which consider race a factor are inherently suspicious. The statutory use of race is constitutional only if it assists the interests of the government, is necessary and, "precisely tailored". Decisions against transracial adoption, based solely on the criterion of race, are seen as in violation of the 14th Amendment section one of which reads:

> ...no State shall...deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The allocation of time clearly does not allow me to do justice to this extremely complex, emotionally laden topic. I do want to conclude by saying that I am not niave to the politics of adoption. Having said that, I must add that if transracial adoption is eliminated for reasons other than that data do not support this type of permanent placement, we all will be disappointed and frustrated, none however more than the waiting children themselves.

The Chairman. I was interested in Senator Dodd's comments. I think he did not realize you were going to be here.

By the way, we did offer him the opportunity to have his own witnesses here, but they were unavailable.

With that, Ms. Edwards, let me thank you for being willing to come back. I want to listen to your testimony at 2 o'clock. And we will recess until 2 o'clock.

AFTERNOON SESSION

The Chairman. We are happy to resume this hearing. I apologize to you, Ms. Edwards, but I have just got so many pressures on me, I do not know whether I can sometimes meet them all.

Let me turn to Ms. Jane Edwards whom I am pleased to welcome to the committee. She is executive director of the Spence-Chapin: Services to Families and Children, and we will be happy to take your testimony at this time, Ms. Edwards.

STATEMENT OF JANE EDWARDS, EXECUTIVE DIRECTOR, SPENCE-CHAPIN: SERVICES TO FAMILIES AND CHILDREN, NEW YORK, NY

Ms. Edwards. My name is Jane Edwards and I am the executive director of Spence-Chapin: Services for Families and Children in New York City, which is an adoption agency. My experience in adoption is over 25 years.

I am a member of the Black Association of Social Workers and a member of Black Agency Executives, and I am on the board of directors of Harlem-Dowling Children's Service in New York City.

The need for foster care and adoption care for black children was tremendous during the 1960's, and we are finding the needs suddenly increasing now after many years of children rapidly leaving foster care. Housing and employment problems are serious again in the poor black community, together with the servicing of apparent neglect and abuse of children.

Afraid of accusations of neglect, of child abuse situations, local government officials are bringing children of all ages rapidly into foster care again, and many of these children will eventually be freed for adoption. Our adoption program for the foster children through these years has been intensive and quite extensive. We have been able to work out adoption by relatives, and we have invested heavily in foster parent adoption. Over 3,000 of our special needs children, mostly black, have been adopted by foster parents since 1960, and this work has been done by white as well as by black and Hispanic staff.

We have to plan ahead to recruit the kinds of foster homes we need in order to develop them into adoptive homes. They need close, professional services and support to be developed into adoptive homes, and all professionals sadly acknowledge the fact that we do not have adoptive homes in the numbers needed waiting for special needs children.

So the first barrier to adoption is that we are not able to locate, despite many local and national efforts, enough homes for black children of all ages and especially for older children and the infants. The government, Federal and local, must support agencies to do more recruitment, especially in the South, among the untapped military, and the government must provide the funds to pay for transportation expenses so families and children can meet to test out their suitability for each other.

We do not charge fees to families for special needs children. We have transported our children all over the United States to meet prospective adoptive families, and we have paid for families to come to New York for showings.

The next barrier to adoption is the fear and resistance of placing black children in white adoptive homes. My own belief is that every effort should be made to find a home of the child's own black identity and that a child should be placed across racial lines when it appears that no black home can be found or might only be found after the child has suffered unnecessarily in a foster home or moved about from home to home. The waiting is extremely painful for children who are old enough to understand, and it is detrimental to the needs of young children who should be in a permanent home as soon as possible to avoid the effects of separation trauma.

Adoption brings joy to many families and children, but it is not a panacea. It brings with it its own special problems, the most serious being a feeling of being different. A black child in a white home adds another dimension, a visible difference, another hurdle to overcome. However, a black child can do well in a nurturing white home. If the white family is strong, mature, secure socially and economically and respected in their community, it can work. If their motivation is love and commitment to help others, if they know other black families and are willing to have black friends and have help by the agency for as long as necessary, it certainly can work.

Survival for all of us begins with being loved, knowing that someone cares and can provide the basic necessities of life. The child knows the home is permanent no matter what he does. This will bolster the child to face the vicissitudes of life as he matures.

Another barrier to adoption of special needs children is the fear of losing this prospective adoptive family if one shares full information on the child's background and behavior. This leads to adoption disruption when a family is unprepared or cannot cope. When disruption is threatening, there are not enough family counseling services available, and these services should be extended to the family and child before placement and should continue as long as necessary after placement.

Another barrier is resistance to open adoption. More children might adjust in adoptive homes if they could be permitted to visit their natural parents and siblings whom they know and visited before or even former foster families whom they have loved but who could not adopt them. This is open adoption which should be considered and should be effected were appropriate.

This disruption is also caused by agencies pushing more children on the family than they can possibly handle. Some families adopt from 10 to 20 children. The any-home-but-a-white-home position is the cause of this, and this is done by agencies to avoid transracial placements. The exclusive recruitment of black families for children encourages the acceptance of parents who are barely physically and mentally able to cope. If race is the only factor or even the primary factor of consideration, add that to the government's push for permanency and the results may be poor quality of life for a child.

Some of our older children have recognized and actually refused prospective adoptive homes that they knew instinctively would not work when the staff was too afraid to turn down a black home because it was the only home on the horizon, the only black home, that is.

We should recruit for special needs children white adoptive homes as well as black, and then on an individual child need basis, plan the placement of that child in the mast appropriate home available. The research on transracial adoption overwhelmingly indicates that it is a positive experience for children. Their problems are not more severe than others, and they are strong and able to cope. The researchers have found that the power of the family relationship nurtured a bond that went a long way in overcoming problems related to visible differences and community attitudes. The children learned coping skills and developed a strong sense of self-worth. Their sense and degree of racial identity and interest in the black experience was up to the individual himself and herself, an interest to pursue or not to pursue as a child in a family of black parents may or may not wish to do.

In order to provide more opportunities for adoption of black children, in 1969 Spence-Chapin established an agency in Harlem which developed its own community board. Their board named the agency Harlem-Dowling after the Spence-Chapin's board president. The ultimate plan was to spin off the agency after 5 years so that it could be autonomous and independently serve the community under the direction and management of its own community board.

Harlem-Dowling developed well and became autonomous in June 1980. It is thriving now in the serving of black natural families and teenagers and prevention programs, and it places many black children in adoption.

To summarize, we should seek, find and nurture foster homes and develop them to adopt. We should intensify our adoption recruitment efforts, especially in the South. We should consider more adoption by relatives. Open adoption should be planned and developed, especially for older children with emotional ties to their families. We should offer services to prevent disruption. We should give full disclosure to adoptive parents about the children's behavior, their history, their physical and mental health. And we should place children across racial lines when an able and appropriate home within racial lines cannot be found within a reasonable period of time and in relation to the individual child's needs.

Our experience in transracial adoption has been very positive. Some of the children placed would not have experienced the nurturing of a family at all had we not placed them across racial lines. Exclusively recruiting and placing within racial lines is a practice that limits the number of good, even adequate, homes available and lets the child carry the burden. The problem for the special needs child is ours but we have made it the child's and he is paying for it emotionally while it is also very costly to the Government.

[The prepared statement of Ms. Edwards follows:]

STATEMENT OF JANE EDWARDS

BARRIERS TO ADOPTION

The Spence-Chapin Adoption Service is a voluntary, non-sectarian, interracial agency serving unwed and wed mothers and fathers, children in pre-adoptive boarding and foster homes and adoptive couples.

We started out as two small adoptive agencies, one started by a headmistress of a school, Clara Spence, the other by a pediatrician, Dr. Henry Chapin. In 1911, the two agencies merged, forming the Spence-Chapin Adoption Service.

Until 1955, we were a small strictly adoption agency serving mostly white middle and upper-class clients. Black, unwed mothers were accepted only if we felt certain that we could place their babies in adoption. Black children were removed from their foster homes at age two years if adoptive families could not be found, and were transferred to other agencies.

The new Executive Director, who came in 1956, changed the entire system of Intake. She set up an Inquiry Desk, placing an Inquiry secretary there to answer all incoming calls from applicants.

We began screening in adoptive couples after the Intake process, having our consideration on ego strengths and the availability of children. The home study period was changed to one of working with couples toward adoption, toward parenthood, moving from preoccupation with approval and long periods of evaluation to thinking in terms of what kind of child they can accept and value and what they can give to a child. Strengths are emphasized, conflicts discussed and worked out as much as possible and necessary. This open-door approach enabled us to screen in and help stretch couples who could accept all kinds of children. Therefore, we could serve more mothers of various backgrounds and children whose fathers were of various backgrounds. We didn't have to put mothers through the humiliating, degrading skin test.

We opened more foster homes and had a very small long-term foster care program for black children who could not be placed in adoption. Meanwhile, we worked all over: Washington, D.C.: joined many adoption clearance committees looking for that one black home for _a_ black child for adoption. All energies went into that direction while black children waited in hospitals and shelters for homes. There were hundreds of black children on well baby wards or mixed in with sick children, locked into their cribs by heavy nets. Our former Executive Director seized the opportunity to help these children by asking the Board to agree to a five year demonstration project in long-term foster care. She was convinced that our energies must go into providing good homes for homeless children, as many children who need them to save a generation of children from the effects of maternal deprivation if they were lucky to live at all, rather than looking for a needle in a haystack, saving one child for adoption and letting the others suffer or die.

The Director also sought and gained Board approval for a new program in the differential use of casework staff which enabled the agency to expand the services to the neediest natural parents and children. We hired students with B.A. degrees and outstanding scholastic backgrounds who attend a school of social work on a work-study basis, and under close supervision they are utilized to the fullest extent of their knowledge, experience and capacity. These workers supervised approved foster homes which we gradually increased in number from 50 to 646. Children were taken as quickly as possible from hospitals and shelters, and thereafter we were able to work with mothers early in their pregnancy. Working closely with the natural parents enabled many children to be taken home or returned home after a short time in foster care. Other children were surrendered, and many were placed in adoption. Since 1962 we have accepted over 3,000 children. Of these, one-third returned to their parents or relatives, and almost two-thirds were placed in adoption. We have less than one hundred children who have remained in care. Some are now in the process of being adopted. Others will be discharged to independent living.

Our Foster Care Project was highly successful in terms of the increased numbers of unwed mothers and children we reached, the families we reunited and the permanent homes we found for the children. However, the project did not encourage other agencies in the U.S.A. at large to concentrate a great deal of effort in the placement of minority children in adoption. As suggested by Andrew Billingsley in "Children of the Storm," in New York City we need an agency that will concentrate all of its adoption efforts on black children.

In 1968, after six years of expansion, the Spence-Chapin Adoption Service began slowing down on the acceptance of unwed mothers whose children would go into foster care because we began to outgrow our facilities. It was necessary for us to consider expanding the physical facilities again or to think of another way to serve this clientele. The number of infants remaining in hospitals or shelters increased, and the City was facing another crisis in child placement. Letters from the City of New York, Department of Social Services reported the City's concern for well babies in hospitals who could not be discharged and that the critical shortage of vacancies in agencies for these children was steadily increasing and there was no accurate way to estimate how long this trend would continue.

The children involved were black Protestant. The sectarian child welfare agencies in New York were able to take the Jewish children and the Catholic children, even the Lutheran children, of any race. However, most Protestants in New York City are black, and most black people in New York City are Protestant. It was evident that what existed in New York City was a sectarian system of child care to meet the needs of socio-ethnic groups of white children. This was really racism in a child welfare system. More and more I began thinking of a new agency for black children for temporary foster care and adoption. I considered the creation of a black child welfare agency in a certain deprived black community, to join with other social agencies in this community and to work along with the overall child welfare system in the entire City. In addition to this, I thought Spence-Chapin could continue to expand to meet the needs of minority people from this and other areas in the City.

I was inspired and encouraged in this endeavor by Drs. Andrew Billingsley and Jeanne Giovannani. In their report entitled "Black Children In Need of Parents," they stated that Spence-Chapin had made an "outstanding contribution to the placement needs of black children," adding that "In that respect they are highly innovative and unusual in a child welfare field where most agencies have not made any substantial contribution to this issue." They added, however, that there is a "crying need in the child welfare field, in each of the large metropolitan areas with substantial black ghettoes, for specifically black concerned, designed, managed, staffed agencies to serve in a specific way the needs of black children in the context of black families and the black community." Absolutely convinced of this need, in November 1968, I approached the President of the Board of Directors, asking if the Spence-Chapin Adoption Service could establish an agency in Harlem. This agency would have community acceptance, support and control and Spence-Chapin money along with foundation money. Our plan would be to help it to become an independent agency. The president of the Board, Mrs. Alice Hall Dowling, immediately accepted the idea as the best way to meet the needs of children of minority background, the ones who are in need of our services the most. She pointed out that this would be in keeping with Spence-Chapin's historical purpose, to serve children as well as to take leadership in the development of new approaches in service.

We presented our proposal to the Board of Directors in December 1968, and it was approved. The proposal included the following statements:

PROPOSAL

"The Harlem community, the largest or nearly the largest black community in this country should have its own adoption agency, one which will serve natural and adoptive parents and their children and one which will be accessible to he people in that area. It will be a voluntary agency, managed and partly supported by local people who have a personal commitment to and understanding of the community. They can be responsive to its problems and needs. Because it will be unfettered by the demands placed on public agencies, this agency's program can be more flexible and innovative. Because they are part of the community, the managers can reflect its values and distinctive character.

The agency will enhance the image of the social worker in the black community and will develop more esprit de corps amongst social workers there. The agency will recruit and train people for the social work profession, feeding more professional workers into key positions. The Spence-Chapin staff will serve in an advisory and consultative capacity, in fund raising, bookkeeping and public relations. The community will plan the program and approach ground community needs. The staff and Board of the new agency will not be restricted to any race or creed but will be primarily black insofar as the community is concerned. The Director of the new agency will be a resident of Harlem. Most of the staff, professional and untrained, including clerical, will also be selected from the community wherever practicable in order to avoid a communication barrier. Moreover, staff who are residents of Harlem should derive gratification from engaging in meaningful service which will benefit their community and themselves. Staff who may reside outside of the community may also be needed for direct service, teaching or training purposes. The Harlem agency staff and the Spence-Chapin staff will both work towards changing social systems so that they can be responsive to a wider range of problems insted of working to help people to conform to the existing systems.

Management

It is intended that the agency will build its own Board of Directors which will represent all community occupations and all socio-economic levels and age levels. The Board, while under Spence-Chapin, will be an Advisory Council which will help to develop the program, will act as a source to give information to the community and to refer staff and clients to the agency. The Board will also help raise funds for the agency.

Although the Department of Welfare will purchase services rendered, Spence-Chapin plans to help in the financial support of the new agency and to obtain funds from foundations to aid in establishing the new agency. Hopefully, there will be financial help from the community itself. Spence-Chapin will give technical assistance on all levels.

As suggested by Kenneth Clark in 'Youth in the Ghetto,' the professional and indigenous people in the area will identify the indigenous leaders and influentials of the neighborhoods and determine the most effective ways of recruiting them as local Board members. These individuals, therefore the community, decide the membership. The Advisory Council, while associated with

Spence-Chapin, will help to develop the agency program and help raise funds."

Harlem-Dowling was officially opened in October 1969. Our plan was assist Harlem-Dowling for five years and then we would spin it off. However, because New York City was in a financial crisis in 1974, Harlem-Dowling's application for a charter as an independent agency was not considered by New York City's Human Resources Administrator until 1979. Then, Harlem-Dowling was promised its own reimbursement rate which was higher than Spence-Chapin's. Harlem-Dowling was subsequently released to be on its own in June 1980 with a grant of $250,000 from Spence-Chapin. Two years later, Spence-Chapin gave Harlem-Dowling $50,000 to cover a deficit.

Since its inception, Harlem-Dowling has made a significant contribution to the adoption of black children in the City of New York and has been among the top five agencies out of a total of 29 adoption agencies in the placement of black children in adoption.

The placement of the special needs child in adoption is our problem rather than the child's. As I stated in my paper "The Hard to Place Child," which was published in "Child Welfare" in April 1961, the success in finding homes for these children depends to a large extent on our attitudes towards the child, whether or not we see his weaknesses more than his strengths and whether we see him as a liability or an asset. Finding adoptive homes for special needs children also depends upon our hopefullness, our perseverance, as well as our interest and creativity.

The disparity of numbers between the many older black children needing adoption and black people coming forward to adopt them has narrowed but still exists. The unequal aspects of the society which serve to accelerate the numbers of dependent black children also limit the numbers of black people in an economic position to adopt them. Nevertheless, it is incumbent upon the agencies to make a firm effort to ferret out every possible adoptive home that may exist to serve the waiting children.

Spence-Chapin has found homes for black children by reaching throughout the U.S.A. and the West Indies, by seeking families of all socio-economic levels, including people of marginal incomes, hard working blue-collar workers and among the hundreds of civil servants as well as middle-class professional groups and people in the performing arts. We use as many adoption exchange programs as can be found, working with states separately and through the Child Welfare League, as well as the National Adoption Exchange in Philadelphia. We communicate with such black agencies as Harlem-Dowling in New York City, Homes for Black Children in Detroit and Women's Christian Alliance in Philadelphia, on behalf of black children needing homes. We make use of the referral resource of adoptive parents' organizations such as the Council on Adoptable Children in many cities, AASK the DeBolts in San Francisco, Spaulding for Children in New York and the Association for Black Social Workers in New York City. In an effort to bring children to life for agencies and prospective adoptive families elsewhere, we send vignettes, pictures, slides and movies of particular children at play. If an older child understands the risks and agrees, his appearance on television and in newspaper and magazine articles is arranged, in a further effort to expand his chances for adoption. A social worker of supervisory status acts as coordinator of these efforts.

Once a family is found, our task is to establish rapport, mutual trust and respect in an honest, straightforward approach that is time and task oriented and ego-supportive. The adoptive parents should set the pace, with the caseworker keeping on target and ready with answers to any forthcoming questions about delays, interstate compact requirements or legal setbacks. We move quickly and unconventionally.

We are convinced that one of the most constructive and productive means of recruiting adoptive families for black children is the quality of service given those black families who _do_ apply to agencies. Word of a satisfying experience with an agency is passed along, as well as the satisfactions derived from being parents to an adopted child. At Spence-Chapin we place the emphasis on the difference and value a child will make in their lives. It is our experience that a child's sad face on a subway placard, or a brochure detailing a child's sad plight _rarely_ stirs black couples to contemplate adoption. A cheerful face and an emphasis of the child's strengths, mentioning but underpinning and minimizing weaknesses, is a more successful approach. We do not hesitate to consider single parents for adoption of special needs children.

Trans-racial adoption is considered in order to avoid leaving a child in a poor situation from which there is no hope of permanency. Then we seek emotionally mature, successful families whose motivation stems from simply wanting to give a child love and a permanent home. We look for parents who live in a community where black people are not targets of hatred, where people have black friends and whose closer relatives have similar attitudes towards black people. We focus the Home Study on what adopting a black child entails. Such Home Studies are assigned to caseworkers who understand and appreciate the esoteric nature of black life styles and, whether black or white, have a high degree of self-awareness and the ability to recognize when their own biases might tend to impede them in the helping process. The approach is ego-supportive and family-centered.

Much emphasis is placed on helping the white family to understand and accept the child's beginnings. It is pointed out to the adoptive couple that his difference will serve to exacerbate his interest in knowing more precisely who he really is and how his present circumstances evolved. Adopting parents are encouraged to learn as much as possible of black history and culture, with emphasis on the contributions of Blacks to the nation, for use in helping the child to develop a sense of self-worth. They are discouraged from the tendency to impose on the child values which are distinctly white and will hamper him eventually, when he becomes an adult. We also support the white parents' decision to adopt more than one black child, and several, if possible.

Spence-Chapin assigns its highly trained specialist to assist the family and child after placement and plans with the families to continue service beyond the legal adoption, through the child's growing years in group services and individual contacts.

Foster Care Into Adoption

Finding adoptive homes for most of the older dependent black children should begin with the foster home wherein the child has already developed roots. It is difficult to understand why foster parents, who represent the most logical and appropriate resource for adoption, so often are not recognized as potential adoptive parents at the outset of the child's placement. Strong, concerned, willing foster parents should be found for the child's placement early in his life. Adoption by the foster parents means that the older child need not move from one home to another, causing trauma, insecurity and acting-out problems which may destroy the adoptive home for him. Now that subsidized adoption is available in most states, foster parents are in a better position to adopt their foster children; and to the extent that agencies encourage foster parents to adopt by subsidy, or otherwise, the future of dependent black children will be exceedingly brighter.

At Spence-Chapin for the adoption of the black child we look first to foster parents. If the child has been placed in infancy and has grown to an older age in foster care, as soon as he is free for adoption, we carefully and painstakingly develop the foster home into an adoptive home. If the child is older when placed, we know from experience that if we place him in the right foster home, that home is a potential adoptive home. Our philosophy of family-centered, ego-supportive, reality-oriented casework is geared toward helping the foster parents to be secure in their parenting, and to be parents to their foster children in every important sense of the word. The agency does not abdicate its responsibility: neither does it attempt to supplant the foster parents in the duties and responsibilities properly attributed to parents. This role on the part of the agency, with its casework and group work services readily available to the parents, serves to strengthen the home for the child and transform it into an adoptive home for him. As with all adoptive parents, foster parents must know and be accepting of the child's background and be given some understanding of his past experiences. "The information shared should strengthen their sense of identification with the child, information which in turn serves to assure the child of his worthy place in a continuous stream of life." For the black child feeling worthy is even more strongly related to survival. The committed, loving foster family provides a healthy environment, security and hope from the beginning, and with skillful support from Spence-Chapin, our foster homes have become the most effective, productive and constructive means for the survival of our black children in adoption.

We recruited our foster parents skillfully by first identifying communities where industrious black families live and thrive. We sought out families respected by others and willing to recruit others for foster parenthood. We went into housing developments in all five boroughs of New York City, and to communities in small towns on Long Island, Westchester County and New Jersey. We recruited these families and trained them. We helped them form a council and brought them in to meetings to help us to be more responsive to their interests and ideas. And we worked closely with them in developing and maintaining the homes for the children. The movement proliferated, and not only did we soon have hundreds of foster parents for children needing foster homnes, we developed most of them into adoptive homes. Subsidized adoption has proved to be an extremely effective tool in the adoption of black children. Strong, stable families, having all of the attributes for adoptive parenthood, but lacking sufficient income to care for a child, or an additional child, may now receive a state subsidy for eligible children. The subsidy has been especially helpful first to foster parents, and then to others, permitting many to adopt special needs children.

Spence-Chapin encouraged foster parents and other eligible families to make use of the subsidy as soon as the law was passed in the state of New York. Foster parents originally skeptical of the lasting benefits of the subsidy, and receiving considerably more in funds for foster care, were helped by mass meetings, group meetings and individual counseling to recognize and understand the need of children for permanency and legality. Comforted by the fact that adoption would relieve them of the fear of ever losing the children, they responded to the interpretation of the subsidy law and began to request the adoption of their children with subsidy. Social workers in states where subsidy was not available, urged their legislators to pass laws providing subsidy for families who needed this support in order to adopt a child.
Since Pl 96272 under Social Security Act IV states have been

reimbursed by the federal government to provide subsidized adoption, with its added medical benefits, thus helping many dependent children to find survival in adoption.

For the black child who is older and is placed outside of his foster home, consideration must be given to his feelings, the past he brings with him from his biological parents and the foster parents, one or more, with whom he has lived. The caseworker should skillfully help the foster parents to accept the adoption placement and gain their cooperation in helping the child to make the move. A transitional approach in the placement serves to easse the separation trauma and avoid disruption. In conjoint foster family meetings and individually with the child, the caseworker should prepare him for adoption. Films, slides, photographs and family albums of the adoptive family, the single adoptive parent and his or her extended family will help prepare the child. The psychologist or physician who knows the child can help the caseworker in relating to the child's level of understanding, his constitutional strengths and emotional capacity to deal with the facts and separation as well as the timing of the transition period. The caseworker should obtain factual information concerning the child, his behavior, personality and non-identifying background to relay to the adoptive parents. The caseworker should skillfully help the adoptive parents to trust the agency and to count on returning to the agency for assistance, not if they "fail," but for help along the way with the unexpected problems of children growing up and parent-child relationships. To further encourage adoptive parents to return, the agency schedules meetings, group sessions to assist parents at crucial times in the child's development before school starts, again at age nine or ten, again at twelve or thirteen and again at sixteen or seventeen. The caseworker who knows and placed the child visits him in his adoptive home and assists a new worker for several visits until the child knows and trusts him.

At Spence-Chapin all above preparations are made and precautions taken with great success, but not perfection. We find that high risk children who have had very stormy lives including abuse and neglect need very close supervision and even treatment in the adoptive home. The agency uses a skilled caseworker who is a child guidance therapist who continues to see children who need this added dimension of assistance and support until the child has fully adjusted to the adoptive home and the adoption is finalized.

Summary

We now also have an Adoption Counseling Team to serve the adoptive family after the adoption is finalized. If special needs children are to survive and become contributors to the society at large, permanent homes must be provided for them. Adoption agencies must appeal to families of all socio-economic levels, recognizing and reinforcing their strengths in the preparation process. Foster parents are the most likely candidates for adoptive parenthood and should not only be the first considered, but staff should skillfully gear them to adoption. Single parent adoptions should be fully endorsed. They represent a significant resource for adoption of the many special needs children needing homes. While transracial adoption is an option, it is suggested that this be considered on an individual basis for children for whom in-racial families are not available.

Subsidized adoption federal grants are now nationwide. The public needs to be informed continuously about it. It is the responsibility of the private agency as well as the public to make adoption of special needs children a first priority with a strategic plan in operation every day of the year, using a team of staff in all phases to recruit, study, enable and finalize. When possible, pre-adoptive homes should be used. A focus on the individual child through the media has been a very successful way for us to find homes for special needs children. At Spence-Chapin we have a Team which recruits foster homes, pre-adoptive homes and adoptive homes. The Team Supervisor is in the Adoption Department. He and our Media Specialist, an MSW with special training in photography and filming, plan the recruitment of homes. The Supervisor and two other MSW's set up a program for visiting churches, clubs and unions, conduct group meetings and do Intakes and Home Studies. Another MSW acts as an Adoption Coordinator for all families and children referred to us from other agencies. We also have a Public Relations Consultant who works through newspapers, magazines, films, radio and t.v. Our goals are to increase the number of children placed in adoptive homes as a result of a planned media strategy and to increase the awareness and knowledge of the general public about adoption issues and the adoption process, as well as their awareness of the availability of individual special needs children. We have approached every t.v. station. We helped interest CBS in doing

"Thursday's Child" and we have placards placed on buses, flyers and pamphlets.

We have had public service announcements for black adoptive homes on over 40 selected black audience outlets. We have placed ads in the Black City Sun newspaper, in the Amsterdam News and in the Big Red newspaper. This outreach for black adoptive homes has been very successful for older children, but there is still an insufficient number of black homes for young black children and especially few for infants.

Y~~We have no~~ pool of adoptive parents waiting for black infants, but we have a fairly large number waiting for white infants. Agencies serving white unwed mothers can discuss the adoption option without hesitation or reservation. We relate to black unwed mothers with trepidation because of the time it may take to find adoptive homes for their infants and the related expense of keeping the infants in boarding homes until adoptive homes are found. This expense should be carried by the local government agency to which we might be forced ultimately to refer the black unwed parents of healthy black infants. We never have to make such a referral of a white unwed mother with a healthy white infant, however. For black children we are in the position of having to accept the one adequate or even fairly adequate adoptive family that comes along, whereas we are able to select those with the most strengths from a large pool for white children and Asian children.

I believe more could be done by the government to provide grants to adoption agencies particularly throughout the South to enable them to recruit black families and study them for children in urban areas in other parts of the country. In the early 1960's the Bureau of Indian Affairs provided funds for adoptive homes to be found in the North for American Indian children in the Southwest. The Agency for International Development, some years later, provided funds for agencies to recruit and study adoptive homes for black-Vietnamese children who were preparing to come to the United States. A similar incentive-government supported program seems needed to find more adoptive homes for black children.

Black families, all things being equal, are the preference for black children in considering adoption. Just as foster parents should be first considered to avoid separation trauma. Black adoptive parents would avoid another layer of difference, a visible difference for the children, which is another hurdle for them. However, while race is definitely a factor to be considered, it should not be the only factor but rather one of several factors to be considered. We must consider the quality of life the adoptive family could provide as indicated by their physical and mental health, their attitudes and their means of providing not only the nurturing but the bare necessities of life. We must avoid placing children in adoptive homes where the adoptive parents are needy and are seeking someone to care for them, to take them around if they are handicapped, to help overcome their loneliness if they are isolated.

My position is that more efforts should be made to find black adoptive homes for black children. If they are still not available in sufficient numbers for the waiting children then we must look to white families. Children should not have to wait six months to a year or more for that one home that has to be black which may not be entirely appropriate if homes of other races are available and able to cope. Race is one factor, an important factor, but one of many to be considered. Natural parents and children who are old enough to speak for their racial preferences should be heard. Our black teenage foster children do not exclude white families for adoption. Professional social workers should practice in the best interests of the children based on the children's needs without fear of what some anti-transracial adoption groups might say. Jesse Jackson and Vernon Jordan believe and Whitney Young, Jr. believed in placing black children in white homes. Jesse Jackson said adoption should not be based on race (See exhibit 3 last page).

Our experience, which is supported by research, is that transracial adoption works. (See exhibits 4,6 and 7.) We have placed few children transracially, and those have been placed in multi-racial settings or where more than one black child will be in the adoptive home. The children were placed transracially after lengthy national recruitment efforts were made for black families, to no avail.

The Association of Black Social Workers' position on transracial adoption is primarily a political one. (See exhibits 1,2 3 and 5 attached.) The position helped to prevent adoption agencies from seeking exclusively white families for black children. It helped agencies to try harder to find black families, and as A.B.S.W. developed adoptive family recruitment programs, the organization brought in more homes for black children. They recruited, screened and tutored them in preparation for referral to adoption agencies for home studies. A.B.S.W. was able to bring in black families from all socio-economic levels and especially people who might be reluctant to go to an adoption agency. A.B.S.W. has done a commendable job in this regard. However, A.B.S.W.'s adoption program is too costly. An agency wishing to work with A.B.S.W. has to pay $1,000 and submit four children's names for them to recruit families for.

As a professional social worker with 25 years of experience in foster care and adoption, my position on transracial adoption is based on the child's interests. It is a mental health position. Place within racial lines if possible, considering all factors. Consider the child's needs and his appearance. Consider the families' strengths (See exhibit 8), their lifestyles, their communities' attitudes and their relatives' attitudes.

A position against transracial adoption is understandable when an individual has been a victim of prejudice and therefore has negative feelings toward a majority group which either fostered the prejudice or were complacent about it. However, as professionals, our personal preferences should not enter the decision making process. We must try to be objective and realistic with as many safeguards as possible. Then we must act because the child bears the burden of wasted time.

The following is a list of what I consider to be the barriers to the adoption of special needs children.

1. We do not search as much as we should for adoptive homes. We have not looked to the military for prospects.
2. The government should support nationwide programs to find homes for these children and to pay for transportation so the children and families can meet to test out interests and suitability.
3. There should be more open adoption so relatives can visit the child who loves them but they cannot cope to care for him.
4. Workers should tell prospective adoptive families the truth about the children's problems. Cover up leads to disruption.

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The CHAIRMAN. Thank you so much.

Let me ask you the same question I have asked most of the other people who have appeared, and that is, how long should a child have to wait before a transracial adoption becomes an option?

Ms. EDWARDS. Well, I would like to answer the same way that Dr. Pierce did, that a child should not have to wait at all. White children do not have to wait. We have been able to build a pool of families for white children, even white children with physical and emotional handicaps. We would like to be in a position to build a pool of families for black children, but throughout my years of experience and that of all of the rest of the agencies that I know of within New York City, and I have been in touch recently with all of them and we all participate in the various adoption exchanges, we have not been able to recruit a sufficient number of families so that the child would not have to wait.

So that I would answer that to say that I would think that a child should not wait longer than 3 months for the agency to find an adoptive home for him, and we are reluctant to wait any longer than that.

The CHAIRMAN. I see. Now, you have mentioned that your outreach efforts for black adoptive homes has been very successful for older children but that there is still an insufficient number of black homes for younger children.

Ms. EDWARDS. Yes, that is true.

The CHAIRMAN. What plans do you now propose for these younger children?

Ms. EDWARDS. Well, we are at a loss for the younger children. We have advertised in every black newspaper in New York City. Our staff, including myself, have been on every radio and TV program asking for families to come in and adopt those children. We have called all over the United States for families. We understand from the Child Welfare League that families have to work, two-parent families have to work, that they do not want young children that they have to stay home and take care of, that there are no facilities for taking care of the infants. And our plan is to place them across racial lines.

The CHAIRMAN. In your recommendations you state the workers should tell prospective parents or families, those prospective adoptive families, the truth about the children's problems, that you think that is very important. Coverup leads to disruption, I think was the phrase that they used or the sentence you used.

Can you explain to us what kind of problems get covered up?

Ms. EDWARDS. Yes; the staff is so anxious to see a child placed in adoption that if a prospective family comes along, they are reluctant to give full disclosure to the child's emotional problems, his acting out behavior problems, what some of the things he is apt to do, the fire-setting that he has been known to do, and a good example more recently was when one of my social workers came down to see me to tell me that she has a marvelous family for—it is a black family—for a black 15½-year-old boy, and she said that she was not going to mention to the family that he has expressed an interest and preference for males. So I said, well, this family has two teenaged boys, one older and one younger than this fellow, and he also has a daughter, and what is going to happen after you place that child in the home and they find out about his sexual preference? How do you know that they can withstand that? And she said, oh, but, my goodness, what will happen if I tell them? We will lose the prospect, we may lose the prospect of this family and it is the only family on the horizon. I said nevertheless, we have been looking for many years for a home for this child, and I too would not like to lose this family. But it is much more difficult for the child after he is placed to lose this home, and the resulting guilt that will be experienced by the parents and by the teenage boys within that family, as well as the girl. The whole family will be so tremendously upset if they have to, because of their own feelings, give this child up. It is better that they know all about him before he goes to the family and make their decision.

The CHAIRMAN. Well, thank you. Your testimony has really been influential. I am sorry that we did not get you earlier in the day, but I am just very, very happy to have had you here.

I have a number of other questions I am going to submit to you in writing, and I hope that you will answer them as soon as you can.

Thank you, Ms. Edwards, and I appreciate your being with us. I think you have been very helpful to the committee.

Ms. EDWARDS. You are welcome.

The CHAIRMAN. Our third and final panel will discuss efforts to permanently place special needs children into adoptive homes.

First, is Father Paul Engel, founder and executive director of Downey Side. Our second is Ms. Marcia Robinson Lowry, executive director for the Children's Rights Project of the American Civil Liberties Union. I would like to welcome both of you to the witness table here this day.

Thank you again, Ms. Edwards. We really appreciate your coming.

We will turn to you first.

STATEMENT OF FATHER PAUL ENGEL, FOUNDER AND EXECUTIVE DIRECTOR OF DOWNEY SIDE IN SPRINGFIELD, MA, AND NEW YORK, NY; AND MARCIA ROBINSON LOWRY, EXECUTIVE DIRECTOR FOR CHILDREN'S RIGHTS PROJECT, AMERICAN CIVIL LIBERTIES UNION IN NEW YORK, NY

Father ENGEL. I want to thank the committee for inviting me, especially Senator Hatch, for the opportunity to express my concern for the adoption of children.

I am a Roman Catholic priest belonging to the Capuchin Order for the last 30 years. This order is committed to the service of the poorest to poor. Today, the poorest and most deprived people are "homeless youth." So, I have founded Downey Side, a mission for placing homeless youth in permanent families; and have dedicated my life advocating for homeless youth for the past 20 years. I have placed over 2,000 adolescents with the age averaging 13 years. Sixty-seven percent of these children were successfully adopted into permanent families. I plan to prove that the only positive alternative to homeless children is adoption. Hopefully, with your help, homeless youth will become a final minority.

First of all, I believe in everybody's right to life from the time of conception and all through the cycle of life. All children are created by God lovable and capable. Therefore, everyone has the right to at least one caring adult with whom they should live with. If the biological family isn't available to provide custodial care and a home, it becomes the government's responsibility under "parens patria" to be supportive as soon as possible. That is, a caring government has the accountability for seeing that all families enjoy two fundamental requirements for the fullest realization of human potential: First, providing a maximum of their human accessibility to each other; and second, providing minimum of housing, employment, education, health, and welfare. Presently, I think that principle is in reverse.

I define a homeless child as a person under 18, who does not live with at least one caring adult with whom there has been formed a parental or psychological bond of love; or does not live with a person where there is a possibility of developing a permanent caring relationship. There are about a half a million children living in this category. Yet, I definitely know that Americans care about children because it is obvious just by being at this hearing today.

Americans want children in a permanent family not in a temporary family. We cherish the family concept so deeply that our judicial system protects and holds sacred only the parent's right to a child. Thus, we forget that there is another party involved—the child.

We have enough statistics for 20 years; we have proven beyond the shadow of a doubt that if children are raised in impermanency (foster care); an ever-increasing number of insecure adults results. The following New York statistics substantiate my above statement: 50 percent of inmates of Rikers Island, 40 percent of our street people, 35 percent of the prostitutes on Times Square, the largest number of criminal offenders between the ages of 18 to 21, and addictive people showing the lowest recovery rate were all homeless youth, part of the child welfare system.

During the last 10 years every single study that has been handed to the government has proven consistently that undeviating parenting is critical and important. Yet, our various systems still program impermanency. In fact, we spend $2.5 billion a year in programs that are good but not beneficial enough.

The principle which I believe should be put into law was written by Dr. Albert Solnit in his book, "Beyond the Best Interest of the Child," the least detrimental alternative placement for children who cannot remain in their biological families is a placement which has the greatest potential for becoming permanent.

The major barrier to adoption which was not yet stated in this hearing is that the major barrier to adoption is an attitude of American people which is reflected in our own insecurity, fear and guilt to accept the responsibility or to take on a God-like authority to give a child in need of parents a permanent family.

Tracing this problem of our insecurity, fear, and guilt parallels back to God's own insecurity. He wanted children to have custodial parents for didn't "He" entrust his only son to the adoptive care of Joseph? Scripture definitely reminds us that we are made in the image of God. Likewise, scripture contains biblically and historically over 169 references where the care of widows, orphans, and strangers are entrusted to us enabling us to have peace. Yet, we certainly have had no peace in the child welfare system for the last 50 years as evidenced by the increasing number of adolescent suicides. This results because we do not pay attention to homeless children. What a high price to pay for neglecting our homeless youth.

The traditional methods for adoption demand serious attention. For example, the investigatory method, which calls for social service workers to investigate "would be" adoptive families; places far more stringent demands than God would ever require. This method was written primarily for infants, where there is an increasingly large number of infants to be placed and very few families, or a large number of families waiting for them and yet very few infants to go. As a result, I think using the investigatory method presents a racial and cultural problem because it is very white biased since it screens out people economically poor or one-parent families. That is one of the reasons why many of our black, Hispanic, and oriental families are not applying for adoption.

We do have statistics which I will submit to you from the COAC, Council on Adoptable Children: Today, there are 390 waiting families to adopt children. Seventy-five percent of those families are minorities. We cannot get the children out of the agencies because the agencies' requirements for the adoption are so rigid.

I do not believe that there is a problem or an overabundance of homeless children. It is true within our system we have over half a million children waiting. Nevertheless, there are more than enough families in this country to adopt children if we would use a preparatory method preparing families to adopt children instead of an investigatory method. Downey Side, my own agency, changed from an investigatory to a preparatory process and the difference can be seen now insofar as we have over 40 families waiting to adopt an older child.

It has been my personal experience that social service administrators and courts place so much pressure on individual adoption workers demanding 100 percent success in all adoptions that this attitude itself contributes to the fact that children are held back for years from a permanent family and at times never receive one. There is a child who has been photolisted in a stock exchange book for the last 4 years—the youth is now 13. My agency has called about this child with 11 families but none of them were considered appropriate by the child's social worker.

Our guilt comes from our judges who I think are very good judges. Likewise, we have a legal system next to none in this country. Yet, I affirm that the courts, as long as they feel that they cannot make a God-like decision, ought to reflect on the fact that they, indeed make God-like decisions when they remove the children from their families. Judges ought to make God-like decisions and free children for adoption. Doesn't scripture tell us we are all made to the image and likeness of God? It's about time we make a God-like decision and free the child for adoption and not hold on to our fears.

Comparable, so often, a judge applies the rationale that if he or she removes children from biological parents temporarily; then, the parents will repent of their errant ways resulting in the reunification of parents and children living happily ever after.

I never saw our justice system as a rehabilitative system. I hope our system of courts is one of justice. But, as long as judges feel that they have the responsibility to cure the parents they remove the children from and have some kind of a wish to place them back with those families; then, we will never see our judges free children for adoption.

Finally, I am very impressed with you, Senator Hatch, for heading up this committee, because you have sponsored the Hatch Amendment and the Right to Life. I believe that one of the main problems in adoption is a "pro-choice" problem. I connect here the problem and would love to see the Hatch Committee take on fully not only the right to be born but the right to be parented.

The people who oppose the life of the child claim, as the Supreme Court did, they have to ignore the child. They claim that the woman has the right to her body but they forget that in having the right to her body, a child dies—a "life" dies. For the same reason, people, who cling to the idea that we cannot separate parents from their biological children, are ignoring the life of the child. Thus, the child dies in foster care. It is the same principle. Therefore, I think that in the right to life movement, people have not gone far enough. They only want the child born. I agree that is what God wants, but they shouldn't stop there. I have petitioned my own church, the Catholic Church, to pay attention to not only a child's right to be born but more critically to a child's right to be parented. I have been experiencing this problem for 25 years. Therefore, we should put as much energy and take on as many marches to Washington for the right of a child to be parented as well as born. There's no reason for homelessness. So, I suggest two possible solutions to the problem: One, that the child's right to parents receive at least the equal status of the parent's right to the child. This would be a little bit more equal. I fail to understand how we can respect the biological parent's right in our society and allow children to be placed away from those same parents with a custodial family where they neither have the right to be together, the right to love each other, nor the right to be present at court hearings, respectfully. I think that is atrocious when we advocate for the parent's rights to the children and yet, do not allow and admit that when the child forms a bond.

Therefore, I feel, we need in law that every child's right to be parented be next to none, and that the psychological bond that the child forms be respected. We certainly have many ways to determine whether a psychological bond has been formed.

And second, you only have to be a social worker for 1 day to realize that one major problem with adoption is delays. You have heard all kinds of people here talking about their children and the disastrous things that happened to them. We say in justice that "justice should be swift and efficient." There is no reason it cannot be especially when we are dealing with the placement and custody of a child.

I advocated for Baby Bud 3 years ago when I saw Baby Bud in the newspaper. An unwed mother was crying out for help. She tried to get the baby into the Amityville Hospital but only got him as far as the door. The newspapers said that the commissioner was going to put the child in a "foster study home." For at least 2 years we would have beat around the bushes to find out why the mother did not take care of and parent the child. Meanwhile, the child—his whole emotional life—would be suspended and put on ice until we found out all the naughty things that the mother did so we could penalize the mother.

So I went to the Nassau Supreme Court, and we won the case. I brought the child in on a "writ of habeas corpus." The judge mandated that the child be immediately placed in a preadoptive home. They still allowed the law of the city which was 6 months, before declaring abandonment. Today the child is adopted. And, I understand the case has been used hundreds of times.

If we can get a Baby Bud out of a Budweiser box into a preadoptive home, I cannot understand, why—when we have thousands and thousands of American families who are trained, prepared and waiting to adopt older children—we put those families through endless screening and investigations before we place the children with them. How can we claim that we care about children? I think we do care about children, but we need a law in our traditions that states we want the child in a family.

I would like to conclude by stating that I hope that this committee will somehow bypass the political system a little bit. It is healthy having a bipartisan political system. However, in regard to children and the family, we have one situation where there is no difference in opinion about the need for all children to have permanent loving families in which to grow. Mayble I am optimistic, but I propose that this committee form a solid united front and go down in American history as forming the final campaign that once and for all guaranteed every child in America the right to a permanent family.

Thank you.

[The prepared statement of Father Engel follows:]

DOWNEY SIDE . . . *families for youth*

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JUNE 25, 1985

SENATE COMMITTEE ON LABOR & HUMAN RESOURCES
WASHINGTON, D.C. 20510

DEAR MR. CHAIRMAN:

MY NAME IS PAUL ENGEL AND I AM A ROMAN CATHOLIC PRIEST AND A MEMBER OF THE PROVINCE OF ST. MARY OF THE CAPUCHIN ORDER FOR THE LAST THIRTY YEARS. FOR THE LAST TWENTY YEARS I HAVE WORKED IN THE DOWNEY SIDE MISSION PLACING HOMELESS YOUTH IN PERMANENT FAMILIES.

THE AVERAGE AGE OF EACH YOUTH WE PLACED WAS THIRTEEN YEARS OLD AND OF APPROXIMATELY 2,000 ADOLESCENCES WE WORKED WITH, 67% WERE SUCCESSFULLY ADOPTED INTO PERMANENT FAMILIES.

I AM GRATEFUL AND PLEASED TO BE INVITED TO TESTIFY BEFORE YOUR COMMITTEE. SEVERAL OF YOUR MEMBERS HAVE OUTSTANDING RECORDS ON BEHALF OF CHILDREN'S ISSUES.

I HAVE DEVOTED MY LIFE-WORK TO HELPING HOMELESS YOUTH IN AMERICA AND WHEN CHILDREN CANNOT BE REUNITED WITH THEIR BIOLOGICAL FAMILIES, THE ONLY OTHER ALTERNATIVE TO PREVENT THEM FROM BECOMING HOMELESS IS ADOPTION. .

PERSONAL EXPERIENCE AND BELIEF

I BELIEVE THAT ALL CHILDREN ARE CREATED BY GOD LOVEABLE AND CAPABLE AND HAVE THE RIGHT TO BE BORN AND RAISED IN A LOVING-FAMILY WHERE THERE IS AT LEAST ONE CARING ADULT WHO WILL OFFER THE CHILD A PERMANENT HOME.

IT HAS BEEN MY PERSONAL EXPERIENCE THAT AMERICANS BELIEVE THAT THE FAMILY IS THE PLACE FOR CHILDREN TO GROW AND THEIR BIOLOGICAL PARENTS HAVE THE PRIMARY RIGHT AND DUTY TO RAISE THEM CAREFULLY AND LOVINGLY.

I BELIEVE THAT WHEN THE BIOLOGICAL FAMILY IS NOT AVAILABLE TO PROVIDE CUSTODIAL CARE AND A PERMANENT DWELLING PLACE WITH THEM WHICH IS CALLED **HOME**, THEN IT BECOMES THE RESPONSIBILITY OF THE STATE, UNDER THE CONCEPT OF **PARENS PATRIA**, TO SEE TO THE PLACEMENT OF THOSE CHILDREN AS SOON AS POSSIBLE IN AN ADOPTIVE FAMILY APPROVED AND LEGALIZED BY OUR FAMILY COURTS.

IT HAS BEEN MY EXPERIENCE THAT **ALL** HOMELESS YOUTH, REGARDLESS OF THEIR AGE OR CONDITION ARE DESIREABLE FOR ADOPTION IF IT IS CLEARLY POINTED OUT TO THE GENERAL PUBLIC THAT THEY PERSONALLY EXIST AND HAVE SUCH A NEED.

I HAVE BEEN INVOLVED WITH THOUSANDS OF POTENTIAL ADOPTIVE FAMILIES, FOSTER FAMILIES, AND SINGLE ADOPTIVE PARENTS ACROSS THE NATION AND INDEED THEIR DEMANDS TO ADOPT CHILDREN FAR EXCEEDS THE AVAILABLE NUMBER OF CHILDREN WAITING FOR PERMANENT FAMILIES. IN FACT TODAY I KNOW OF SEVERAL MAJOR ADOPTIVE AGENCIES THAT HAVE WAITING LISTS OF PARENTS AS LONG AS THREE YEARS. THE WAITING FAMILIES I SPEAK OF HAVE BEEN TRAINED AND APPROVED FOR ADOPTION AND SEEKING NOT INFANTS BUT OLDER CHILDREN AND SPECIAL NEEDS CHILDREN.

I BELIEVE THERE DOESN'T HAVE TO BE HOMELESS CHILDREN AND THAT CHILDREN GROW BETTER IN FAMILIES. THE STRENGTH OF FAMILIES RESIDES IN THEIR CAPACITY TO FUNCTION AS THE OPTIMUM ENVIRONMENT FOR HUMAN DEVELOPMENT, PROVIDING LOVE AND SUPPORT TO INDIVIDUALS THROUGHOUT THE LIFE CYCLE.

I BELIEVE, FINALLY, THAT A CARING GOVERNMENT HAS THE RESPONSIBILITY TO SEE THAT ALL FAMILIES ENJOY TWO FUNDAMENTAL REQUIREMENTS FOR THE FULLEST REALIZATION OF HUMAN POTENTIAL:

-FIRST MAXIMUM "HUMAN ACCESSIBILITY".

-SECOND, A MINIMALLY NURTURING ENVIRONMENT WITH ADEQUATE HOUSING, INCOME, EMPLOYMENT AND EDUCATIONAL OPPORTUNITY, AND HEALTH CARE.

FACTS ABOUT TODAYS HOMELESS CHILDREN

IN ORDER THAT MY STATEMENT BE EXTREMELY CLEAR, I BELIEVE AT THIS POINT IT IS IMPORTANT TO DEFINE FOR YOU WHAT I UNDERSTAND AS THE DEFINITION OF A HOMELESS CHILD.

I DEFINE A HOMELESS CHILD AS A PERSON UNDER EIGHTEEN YEARS OF AGE THAT DOES NOT LIVE WITH AT LEAST ONE CARING ADULT WITH WHOM THERE HAS BEEN FORMED A PARENTAL AND PSYCHOLOGICAL BOND OF LOVE OR DOES NOT EVEN LIVE WITH A PERSON WHERE THERE IS A POSSIBILITY OF DEVELOPING A PERMANENT CARING RELATIONSHIP.

OVER HALF A MILLION CHILDREN IN AMERICA TODAY ARE KNOWN TO BE HOMELESS ALTHOUGH INVOLVED AND PLACED THROUGH OUR INDIVIDUAL STATE CHILD WELFARE DEPARTMENTS INTO THE FOSTER-CARE SYSTEM.

OF ALL THE CHILDREN THAT ENTER THE FOSTER-CARE SYSTEM AND REMAIN MORE THAN A YEAR IN THE SYSTEM...STATISTICS SHOW THAT ONLY 30% EVER RETURN TO THEIR BIOLOGICAL FAMILIES, 5% ARE ADOPTED AND THE REMAINDER AGE-OUT OF THE SYSTEM BY EIGHTEEN.

IT WAS CITED IN A 1980 REPORT TO NEW YORK MAYOR KOCH CALLED "REDIRECTING FOSTER CARE" THAT OF ALL THE HOMELESS CHILDREN FREED FOR ADOPTION, 70% WERE ADOPTED WHERE AS CHILDREN NOT FREED FOR ADOPTION ONLY 12% FOUND PERMANENT FAMILIES.

IN A SECOND REPORT CALLED "HOMELESS YOUTH IN NEW YORK CITY: NOWHERE TO TURN" COMPLETED IN SEPTEMBER 1983 AN ESTIMATED 20,000 YOUNG PEOPLE UNDER THE AGE OF 21 WERE HOMELESS IN NEW YORK CITY, LIVING ON THE STREETS, IN ABANDONED BUILDINGS AND IN OTHER PUBLIC PLACES. THE REPORT WENT ON TO POINT OUT THAT MANY OF THESE HOMELESS YOUTH ARE AMONG THE THOUSANDS OF CHILDREN IN RECENT YEARS DISCHARGED FROM FOSTER CARE TO THEIR "OWN RESPONSIBILITY".

THE FOLLOWING FIGURES ARE CONSERVATIVE ESTIMATES THAT GIVE PERCENTAGES OF THE POPULATION THAT MAKE UP THE FOLLOWING GROUPS AS TO THEIR ORIGINS:

-50% OF THE INMATES OF RIKERS ISLAND WERE HOMELESS CHILDREN AND PART OF THE CHILD WELFARE SYSTEM.

-40% OF THE MEN AND WOMEN THAT LIVE ON THE STREET SLEEP IN SHELTERS AND MAKE USE OF SOUP KITCHENS WERE HOMELESS YOUTH AND PART OF THE CHILD WELFARE SYSTEM.

-35% OF THE PROSTITUTES ON TIMES SQUARE IN NEW YORK CITY ARE OR WERE HOMELESS YOUTH AND PART OF THE CHILD WELFARE SYSTEM.

-HUNDREDS OF REPORTS HAVE ALWAYS INDICATED THAT THE LARGEST NUMBER OF CRIMINAL OFFENDERS BETWEEN THE AGES OF 18 and 21 WERE AT ONE TIME HOMELESS YOUTHS AND PART

OF THE CHILD WELFARE SYSTEM.

-NUMBERED AMONG ANONYMOUS ADDICTIVE PEOPLE, INDIVIDUALS THAT WERE AT ONE TIME HOMELESS YOUTH AND PART OF THE CHILD WELFARE SYSTEM SHOW THE LOWEST POTENTIAL FOR RECOVERY.

RESEARCH AND STUDY DURING THE LAST TEN YEARS HAS CONSISTENTLY POINTED OUT THE FAILURE OF THE AMERICAN FOSTER CARE SYSTEM. THE MAJOR PROBLEM WITH THE SYSTEM IS THE PROGRAMMED IMPERMANENCY-IT PLACES CHILDREN WITH CARETAKERS WITH WHOM RELATIONAL BONDS CANNOT BE FORMED OR IF FORMED, ARE ABRUPTLY SEVERED BY THE ACTION OF THE COURT IN RESPONDING TO THE RIGHTS OF BIOLOGICAL PARENTS.

A GUIDE OFFERED AND UNANIMOUSLY APPROVED BY PROFESSIONALS IS THE PRINCIPLE OFFERED BY DR. ALBERT SOLNIT IN HIS BOOK "BEYOND THE BEST INTEREST OF THE CHILD".

THE LEAST DETRIMENTAL ALTERNATIVE PLACEMENT FOR CHILDREN WHO CANNOT REMAIN WITH THEIR BIOLOGICAL FAMILIES IS THAT PLACEMENT THAT HAS THE GREATEST POTENTIAL FOR BECOMING PERMANENT.

THOUSANDS AND THOUSANDS OF AMERICAN CHILDREN IN FOSTER CARE LIVE OUT THEIR CHILDHOOD WITH THE DAILY ANXIETY THAT THE LOVING AND CARING ADULTS WITH WHOM THEY LIVE WILL BE TAKEN AWAY FROM THEM.

A FAMILY APPROACHED ME TWO WEEKS AGO WITH AN EIGHT YEAR OLD GIRL THAT CAME TO LIVE WITH THEM AS A FOSTER CHILD WHEN SHE WAS THREE MONTHS OLD AND HAS NOT SEEN HER BIOLOGICAL MOTHER SINCE THAT TIME. WITHIN THE LAST SIX MONTHS, THE BIOLOGICAL MOTHER WAS RELEASED FROM A MENTAL INSTITUTION AND HAS ENGAGED A LAWYER TO HAVE HER DAUGHTER RETURNED TO HER. THE CHILD AND FOSTER PARENTS HAVE ALREADY PSYCHOLOGICALLY ADOPTED EACH OTHER

AND YET, THEY CANNOT FIND A LAWYER TO REPRESENT THEM SINCE ACCORDING TO FAMILY-LAW THEY HAVE NO RIGHTS.

MAJOR BARRIER TO ADOPTION

THE ABOVE FACTS ARE DISTURBING AND YET I BELIEVE AMERICAN PEOPLE BELIEVE STRONGLY IN THE FAMILY AND DESIRE THAT ALL CHILDREN HAVE THE SECURITY AND PROTECTION THEY RIGHTLY DESERVE TO GROW-UP IN A PERMANENT HOME WITH PEOPLE THEY LOVE.

THERE IS NO DOUBT THAT AS A NATION, WE BELIEVE IN THE FAMILY AND ACTIVELY CARRY-OUT THE PRESERVATION OF THE BIOLOGICAL PARENTS RIGHT TO RAISE THEIR CHILDREN WITH LOVE AND CARE. ONE OF THE STRONGEST ASPECTS OF OUR FAMILY-LAW IS HOW WE SACREDLY PROTECT THE BIOLOGICAL FAMILY BONDS AND THEIR RIGHT TO BE TOGETHER FOR THE HEALTHY GROWTH AND DEVELOPMENT OF THEIR FAMILY. I HAVE NO DISPUTE WITH THIS PRINCIPLE AND SUPPORT THE FACT THAT BIOLOGICAL PARENTS AND THEIR CHILDREN SHOULD RECEIVE THE HIGHEST RESPECT AND SUPPORT OF OUR COURTS AND GOVERNMENT.

HOWEVER, WITH EVERY RIGHT THEIR IS AN ACCOMPANYING RESPONSIBILITY AND FOR BIOLOGICAL PARENTS TO ENJOY RESPECT FOR THAT INALIENABLE RIGHT THEY HAVE THE RESPONSIBILITY OF PROVIDING CUSTODIALLY A COMMON DWELLING PLACE FOR THEM AND THEIR CHILDREN WHERE RELATIONAL LOVE AND BONDING TOGETHER CAN TAKE PLACE.

I FOUGHT AND WON A CASE TO HAVE THE FAMOUS 'BABY BUD' (A FOUNDLING IN NEW YORK CITY) PLACED IN AN ADOPTIVE FAMILY RATHER THAN A FOSTER HOME IN 1983. THE NORMAL SOCIAL SERVICE PROCESS WOULD HAVE TAKEN ALMOST TWO YEARS BEFORE THE INFANT WOULD HAVE BEEN DECLARED FREE TO ADOPT. BY THAT TIME, THE BABY WOULD HAVE ALREADY FORMED A PSYCHOLOGICAL DEPENDENCY WITH A CARING FAMILY WHICH WOULD SERIOUSLY DAMAGE THE EMOTIONAL HEALTH OF

THE CHILD IF HE WAS THEN REMOVED AFTER TWO YEARS. ON THE OTHER HAND, IF OUR SYSTEM MULTIPLE PLACED HIM AS AN INFANT EVEN MORE DAMAGE WOULD HAVE COME TO HIM. TODAY BABY BUD PLACED BY COURT ORDER DIRECTLY FROM THE HOSPITAL AT THE AGE OF THREE WEEKS WITH AN ADOPTIVE FAMILY IS A HEALTHY ADOPTED CHILD IN A LOVING FAMILY.

I BELIEVE THAT OUR COMMITMENT TO THE FAMILY IS SO STRONG THAT WHEN THE BIOLOGICAL PARENTS ARE UNABLE TO PARENT THEIR CHILDREN, WE AS A SOCIETY ARE RELUCTANT TO ASSUME WHAT IS CONSIDERED ONLY GOD'S AUTHORITY, THE SELECTION OF PERMANENT PARENTS FOR CHILDREN.

I BELIEVE, THEREFORE, THAT THE MAJOR OBSTACLE TO ADOPTION (WHICH BY THE WAY IS THE ONLY OTHER WAY TO PROTECT CHILDREN FROM BECOMING HOMELESS), IS OUR OWN INSECURITY, FEAR AND GUILT TO ACCEPT THE RESPONSIBILITY TO TAKE ON AN ALMOST GOD-LIKE AUTHORITY AND GIVE A CHILD IN NEED OF PARENTS A NEW FAMILY THAT WE CALL ADOPTION.

INSECURITY

FIRST OF ALL, I BELIEVE GOD WANTS CHILDREN TO HAVE CUSTODIAL PARENTS...DID NOT GOD ENTRUST HIS ONLY SON TO THE ADOPTIVE CARE OF JOSEPH?

DOES NOT SCRIPTURE REMIND US THAT WE ARE MADE TO THE IMAGE AND LIKENESS OF GOD? NOW IF WE HAVE NO DIFFICULTY IN ASSUMING THE RESPONSIBILITY TO REMOVE CHILDREN FROM BIOLOGICAL PARENTS WHEN THERE IS EVIDENCE OF REAL DANGER TO THE LIFE OF THEIR CHILDREN--WHY DO WE FEEL INSECURE IN ASSUMING A LESS PUNITIVE RESPONSIBILITY, IN FACT, TAKEING A POSITIVE ACTION BY PLACING THE CHILDREN IN A NEW AND PERMANENT FAMILY?

THOUSANDS OF CHILDREN ARE PLACED EVERY YEAR IN THE LEGAL CARE OF GOVERNMENT AND WE DON'T SEEM TO BE INSECURE ABOUT THAT INSTITUTION

AND YET, EXPERIENCE TEACHES US THAT OFTEN THE SECOND STATE IS FAR WORSE FOR THE CHILD...GOVERNMENT HAS TIME TO TIME AGAIN PROVEN TO BE A VERY NEGLIGENT PARENT. THIS STATEMENT IS NOT INTENDED TO BE A NEGATIVE ACCUSATION AGAINST AMERICAN GOVERNMENT AS I DON'T BELIEVE GOVERNMENT HAS THE CAPACITY TO PARENT CHILDREN.

FEAR

IT HAS BEEN THE PRACTICE OF SOCIAL SERVICES IN ADOPTION TO INVESTIGATE WOULD BE ADOPTIVE FAMILIES AND PLACE DEMANDS FAR MORE STRINGENT THEN GOD WOULD EVER DEMAND. RECENTLY, NEW APPROACHES HAVE DEVELOPED WHERE SOME ADOPTION AGENCIES ARE USING THE CONCEPT PREPARATION AS THEIR THRUST IN SECURING NEW ADOPTIVE FAMILIES. DOWNEY SIDE, MY OWN AGENCY, CHANGED FROM INVESTIGATORY PROCESS TO A PREPARATORY PROCESS AND THE DIFFERENCE CAN BE SEEN NOW INSOFAR AS WE HAVE OVER 40 FAMILIES WAITING FOR AN OLDER CHILD TO ADOPT.

IT HAS BEEN MY PERSONAL EXPERIENCE THAT SOCIAL SERVICE ADMINISTRATORS AND COURTS PLACE SO MUCH PRESSURE ON INDIVIDUAL ADOPTION WORKERS DEMANDING 100% SUCCESS IN ALL ADOPTIONS THAT THIS ATTITUDE ITSELF CONTRIBUTES TO THE FACT THAT CHILDREN ARE HELD BACK FOR YEARS FROM A PERMANENT FAMILY AND AT TIMES NEVER RECEIVE ONE. THERE IS A CHILD THAT HAS BEEN PHOTO-LISTED IN A STATE EXCHANGE BOOK FOR THE LAST FOUR YEARS--THE YOUTH IS NOW THIRTEEN...MY AGENCY HAS CALLED ABOUT THIS CHILD WITH ELEVEN FAMILIES BUT NONE OF THEM WERE CONSIDERED BY THE CHILD'S SOCIAL WORKER AS APPROPRIATE.

IT SEEMS TO ME THAT GOD INTENDS US TO TAKE RISKS THAT ARE REASONABLE EVEN THOUGH WE MAKE MISTAKES...CERTAINLY HIS RECORD IS NOT 100%.

GUILT

IT IS IMPORTANT TO MENTION THIS OBSTACLE AS I FEEL IT IS A BIG PROBLEM AND VERY COMMON AMONG JUDGES. I BELIEVE WE HAVE GOOD JUDGES

AND A JUDICIAL SYSTEM NEXT TO NONE. HOWEVER, I NEVER BELIEVED THAT COURTS COULD CURE PEOPLE OF THEIR PROBLEMS--AT BEST, I HOPED THAT THEIR DECISIONS WERE JUST. SO OFTEN A JUDGE SEEMS TO APPLY THE RATIONALE THAT IF HE OR SHE REMOVES CHILDREN FROM BIOLOGICAL PARENTS TEMPORARILY, THE PARENTS WILL REPENT OF THEIR ERRANT WAYS AND THEN THE CHILDREN AND PARENTS CAN AGAIN COME TOGETHER AND LIVE HAPPILY EVER AFTER.

IT HAS BEEN MY EXPERIENCE THAT 90% OF THE TIME WHEN A JUDGE IS REMOVING CHILDREN FROM BIOLOGICAL PARENTS, THE FAMILY WILL NEVER COME TOGETHER AGAIN AS A FAMILY. PERHAPS JUDGES FEEL THAT THEY ARE THE GUILTY ONES FOR BREAKING UP FAMILIES BUT, I HARDLY SEE HOW THEY COULD COME TO THAT CONCLUSION. IN POINT OF FACT, THEIR SENSE OF GUILT SHOULD BE OVER THE LONG TIME SPANS BETWEEN HEARINGS SOMETIMES YEARS THAT CHILDREN ARE LEFT IN LIMBO AND WAITING FOR THE JUDGES DECISION. IT IS THE DELAYS THAT DO THE MOST HARM TO CHILDREN. I KNOW OF ONE FAMILY IN SPRINGFIELD, MASSACHUSETTS THAT TOOK THEM OVER FIVE YEARS AND NO LESS THAN FORTY-FOUR COURT APPEARANCES BEFORE THE THREE CHILDREN PLACED WITH THEM AS INFANTS WERE FINALLY ADOPTED.

CONCLUSION

I TRULY BELIEVE THAT THERE IS NO REASON FOR HOMELESS CHILDREN IN OUR NATION WITH MORE THAN ENOUGH FAMILIES WAITING TO ADOPT SPECIAL NEEDS CHILDREN.

SERIOUS ATTENTION TO TWO BASIC PRINCIPLES IN MY OPINION COULD GO A LONG WAY IN SOLVING THIS VERY SERIOUS PROBLEM. I PRESENT THESE TWO PRINCIPLES AS A FAMILY PERSON, A SOCIAL WORKER AND A CATHOLIC PRIEST WITH THE TRUST THAT INDIVIDUALS MORE INTELLIGENT THAN I AND WITH KNOWLEDGE AND SKILL IN THE LEGAL SYSTEM WILL FIND THEM HELPFUL IN GIVING THEM LEGAL STATUS.

FIRST OF ALL THE BEST INTEREST OF THE CHILD MUST BE RAISED

TO BE AT LEAST EQUAL TO THE PARENTS RIGHTS-IN FACT A LITTLE MORE EQUAL SINCE THE DAMAGE DONE TO A HUMAN BEING WHEN THIS PRINCIPLE IS NOT ADHERED TO IS FAR MORE DAMAGING THAN A VIOLATION OF THE PARENTS RIGHTS.

WITHIN THE BEST INTEREST OF THE CHILD-CONSIDERATION FOR THE CHILD'S ALREADY EXISTING PSYCHOLOGICAL PARENT MUST BE GIVEN PREFERENCE OVER THE BIOLOGICAL PARENTS INTERESTS IF THEY ARE NOT THE SAME PERSON. WHEN TEMPORARY PLACEMENT OF CHILDREN IS BEING CONSIDERED THE AGE OF THE CHILD MUST BE TAKEN INTO CONSIDERATION AND THE EXPECTED LENGTH OF TIME THAT THE CHILD WILL BE PLACED AWAY FROM THEIR BIOLOGICAL FAMILY. FOR EXAMPLE, INFANTS IMMEDIATELY BEGIN TO BOND AND FORM A DEPENDENCY ON THEIR CARE-TAKERS. OBVIOUSLY, WE CANNOT ASK AN INFANT NOT TO BOND OR POSTPONE THEIR EMOTIONAL DEPENDENCY UNTIL REUNITED WITH THEIR BIOLOGICAL PARENT.

SECONDLY, YOU OFTEN HEAR THE EXPRESSION SWIFT AND EFFICIENT JUSTICE AS A DESIRED GOAL AND NO WHERE IN THE AMERICAN JUSTICE SYSTEM IS THIS GOAL MORE IMPORTANT AND CRITICAL THEN WHEN THE ISSUE INVOLVES THE CARE OF CHILDREN AND WHERE THEY ARE TO LIVE.

THERE IS NO PERSON WHO HAS SPENT EVEN ONE DAY AS AN ADOPTION WORKER THAT IS NOT EXTREMELY SENSITIVE TO THE SEVERE VIOLENCE BROUGHT TO CHILDREN AND FAMILIES BECAUSE OF JUDICIAL DELAYS AND THE WITHHOLDING OF COURT DECISIONS WHICH, IN EFFECT, FORCES CHILDREN TO LIVE IN ALMOST INTOLERABLE EMOTIONAL SITUATIONS WITH ALL THEIR BASIC EMOTIONAL LIFE LEFT HANGING IN SPACE. CLINICALLY, WE CAN DEMONSTRATE IN THOUSANDS OF CHILDREN THE HARM THAT IS DONE RANGING FROM HOMICIDE TO SUICIDE.

I TRULY BELIEVE IN THE HEALTHINESS OF A BI-PARTISAN POLITICAL SYSTEM MADE UP AS WE EXPERIENCE IT IN THE REPUBLICAN AND DEMOCRATIC PARTIES. HOWEVER, IN REGARD TO CHILDREN AND THE FAMILY I BELIEVE WE HAVE ONE SITUATION WHERE THERE IS NO DIFFERENCE OF OPINION ABOUT THE NEED FOR ALL CHILDREN TO HAVE PERMANENT LOVING FAMILIES IN WHICH TO GROW. THEREFORE, I PROPOSE THAT THIS COMMITTEE FORM A SOLID UNITED FRONT AND GO DOWN IN AMERICAN HISTORY AS FORMING THE FINAL **CAMPAIGN** THAT ONCE AND FOR ALL GUARANTEED EVERY CHILD IN AMERICA THE **RIGHT TO A PERMANENT FAMILY.**

RESPECTFULLY SUBMITTED BY:

Paul Engel, Ofm. Cap.

FR. PAUL ENGEL, OFM CAP.L.L.D.
MISSION DIRECTOR DOWNEY SIDE

The CHAIRMAN. Thank you, Father, I am going to have some questions for you in just a second, but let us turn to you, Ms. Lowry, and take your testimony at this point.

Ms. LOWRY. Thank you, Senator Hatch.

I am very glad to have the opportunity to address the committee today, and I am particular glad, Senator Hatch, that your committee is addressing this issue. I think it is a very important one, and although there are issues on which the American Civil Liberties Union does not always agree with you, there are——

The CHAIRMAN. That occasionally arises but we respect you.

Ms. LOWRY. One of the things that I am so concerned about, Senator Hatch, is that this is an issue about which I think people need not disagree. The issue is before this committee, and the fact that I do not agree with Father Engel about everything either does not lead me to disagree with some of the things that he has said. And what confuses me so much is since everybody agrees and since the Congress has even passed some very good legislation dealing with these problems, why do we see going on what is going on today, not 5 years ago before we passed the Adoption Assistance Act, which was in fact a good piece of legislation, but why do we see that happening today?

I want to specifically talk to you about the problems of special needs adoptions. The focus of this committee hearing is on adoption. I want to talk only about adoption, but I want to talk a little bit about where I believe the focus really should be and implore you to consider this very carefully, because I think this is, unlike many of the problems that the Congress deals with, this is a problem that can be solved. And as I say, I think it is a national disgrace that it has not been solved.

I have been litigating on behalf of children against State social services systems for the last 12 years. Right now I am counsel for plaintiffs in three class action lawsuits in three different jurisdictions which are in the enforcement stages. In all of those three lawsuits in which we have very lengthy judgments which have been attached to my testimony, the issue of access to adoption is central.

The litigation is based, in part, two of the lawsuits are based in part on the Federal Adoption Assistance Act which was passed in 1980, which has the very salutory purpose of keeping children in their families if that is possible, but moving them toward adoption if they cannot be kept with their families or sent back to their families. Nevertheless, today in jurisdictions in which the governments have agreed to take steps to move children for adoption, the facts and figures are really quite appalling and quite disheartening to people who believe that things can be improved and that we can do better for our country's children if we cannot do better for all of our citizens.

One of the lawsuits, interestingly enough, grew out of a neglect petition that was filed against the State social services department. We represented children who sued the social services department who are neglecting them. Those proceedings in State court are usually used against the parents of children. We sued the State as parent to the child, and we said you, State, are neglecting the kids just the way their own parents first neglected them. And that case has now gone into a consent judgment.

The two other cases were in Federal court in which the Federal court found that children have a constitutional right based on Federal law to have reasonable access to adoption. The decrees are fairly modest in what they aim to do, and nevertheless, what they aim to do is not taking place and children are not moving through for adoption. The issues that have been raised today are some of the more difficult issues. There are plenty of simple issues. The issue of transracial adoption may be a troubling one, but that does not affect so many of these children. The issue of finding families like the family you saw this morning who have the ability to provide a home for children as handicapped, as some of the children they described and one of the children whom we saw, is troubling. But the fact of the matter is, there are thousands, probably hundreds of thousands of children who have not yet reached that situation. We are, with a great deal of Federal and State money, creating special needs children. There are some children who are born physically handicapped, and unfortunately at this point we do not know how to stop that from happening. And those children need very special circumstances, and there are a few extraordinary people who can take care of them and that is wonderful. But there are many, many more children in this country who come into foster care systems not in such bad shape, children initially are somewhat resilient and who go through very difficult home situations and enter the system not tremendously handicapped. And then we keep those children in foster care for years until they become so damaged that they become special needs children, and then surprisingly, it is hard to find families for those children when they hit 12.

I saw a boy about 4 weeks ago who is a perfect example of that situation. Clint was one of three children. These children—this family, in fact, was white. They had no physical problems. They became known to the system when the children were 5, 4, and 2. The mother was very, very seriously disturbed. She finally killed herself. It was clear that these children were not going to go back to their mother. These children were in and out of foster care about four times. Clint was in 15 different placements by the time he was 14. You can imagine that these children were a little disturbed.

Finally, when Clint was 12, he was placed in a special needs adoptive placement. The family was prepared to take him. Clint is so disturbed at this point that Clint cannot live in that family. He is living in a group home. The adoptive parents have not abrogated the adoption. They remain his adoptive parents. They try to have a relationship with him, but that boy has been so badly damaged by the years that he spent in foster care and in 15 different places, can you imagine what it is like for a little child, for a 6-year-old kid who has been living in this home and he has got his toys around to have a worker that he has never seen before arrive at the house one day—Clint described this very graphically—and say, we are going now, Clint, we are taking you to a new mommy and daddy. The kid knows that that is no mommy and daddy for him, and often does not even take his toys. Can you imagine what that does to a person? Anybody who knows children and knows how sensitively those of us who are fortunate enough to have children try to deal with their daily traumas and their tears and the teacher yelling at them, can you imagine what it does to a child? They cannot begin to imagine what a destructive situation that is for a child.

Well, Clint is a special needs child. He went into a special needs adoptive placement that is not going to work for him. Clint is a damaged human being, and we are never going to see a normal human being out of that situation, but we did it. We did it with a lot of Federal money and a lot of State money. Clint's older brother, just a year older, is now in the State reformatory for committing a felony. He is never going to be in a family, and he will probably be in the penal system. That did not have to happen. This Congress has passed legislation to keep that from happening, and it is happening every day. We are creating new Clints.

Last night, before I came down here, I called one of my cocounsel in one of the cities in which we have a consent judgment, and I said, tell me what is happening now. I want to be able to tell the committee whether this is going on now, whether we are creating new problems in our foster care systems. And before I could even pick up my pen, the guy was telling me story after story that were just appalling; children 4 and 7 years old in foster care since about 6 months old, no move to terminate parental rights, no contact with the natural parent, no permanency planning, something like 10 different workers on those kids, seven different foster homes already. He is court-appointed guardian for those children, and he is yelling and screaming and nothing is happening.

And in fact, the reason that it will be difficult to terminate parental rights on those kids is not because anybody agrees that it should not be done but because the social services system is so poorly run and their case records are so lousy and their training of their caseworkers is so poor, that they do not have a record to document terminating parental rights.

The Civil Liberties Union believes very strongly that biological families ought to be a resource for children when they are a realistic resource, and they ought to be helped to take care of their kids if they can. And we believe that there are many problems with regard to making that promise meaningful, another promise that is contained in the Federal Adoption Assistance Act.

But we also believe very strongly that there are points at which one has to be realistic and say this family is not going to be there for this kid, and you have to make a decision and you have to move that kid through adoption.

It is not happening because our social service agencies in the States are not running their programs well. This is something, as I said earlier, unlike many of the problems that the Congress has to address, this is a solvable problem. There are Federal statutes that are supposed to take care of this and they do not. Health and Human Services has the responsibility for seeing whether or not the Federal laws are being carried out. We do not need new laws in this area. We need to keep our promises.

The States often have very good laws themselves. One of the reasons it is easy to win these lawsuits when you go into court is, all you have to do is say, Judge, just make them do what they promised to do and what the National Congress and what their State legislature has said is their intention to do. And if we only hold these States to that which Congress has mandated and that which the State legislatures have mandated, we would see some very different figures up on that board. Those figures, I am sure, are not hard figures. The problems are very, very easy to categorize. Anybody who has been near the systems for 6 months, 2 months, 1 month, know what they are. It is a question of simple common sense.

Senator Hatch, you outlined some of them yourself at the beginning of this hearing. The information is shocking. Hundreds of millions of dollars and we do not know where it is going. We do not even know how many kids there are in care. The Congress does not know it, and each State does not know. The cities do not know it.

We have a lawsuit going in New Mexico; it's a very small State and you would think somebody could go out and count the people on the streets and try to figure out their inventory. They do not have any idea how many kids have gone in care. They have either 1,500, 1,800 or 2,100; choose a figure. The head of the State agency acknowledges freely they do not how many kids they have got. If they do not know how many kids they have got, you can imagine that they do not know what is happening to those kids. They do not know how many of those kids should be adopted. They do not know how many of those kids should be free for adoption.

Adoptive homes are not sought for those children until those children surface on an adoption track, and kids often do not surface on an adoption track unless there is a family for them. But when families go to these State agencies and say I would be interested in adopting a 6- to 8-year-old kid of the following characteristics, the adoption units say we do not have any of those kids, and they do not, because those kids are in the foster care system, not on adoption track. They have not been freed and they will not get freed because there are no families for them. It is as simple and as stupid as that, and that is how we are taking these kids apart.

The agencies are notoriously poorly run; they are poorly managed. If this was business, they would not stay in business for a minute. They would have been—they are bankrupt. They would have been bankrupt years ago. The kind of management that is tolerated in these social service systems in which we are only dealing with children, and I think that is why it is tolerated, is really quite shocking. You cannot, in many instances, design less effective systems bureaucratically than these systems. They are given lowest priority in State government. It is nice to say everybody cares about children, but nobody is fussing because these children are out of sight, they are in State foster care systems, they are not in ugly and horrible institutions, they are in people's homes. Everybody thinks this is a nice system. It has a nice intent, but it is not following through.

Caseworkers are poorly trained, and the good ones burn out and leave because their job is so difficult. They do not understand how to make decisions. They do not get training and nobody forces them to make decisions.

Periodic review is a joke. It does not take place. Average length of stay for children in Kansas City, MO, is 50 months. Average length of stay for kids in Richmond, VA, 6.9 for white kids, 9.7 years for black kids.

Considering the fact that those figures include kids coming in on truly temporary emergency, parents suddenly hospitalized and they come out and take the kid back, kids are in for 30 days, that means that kids are getting in and not getting out. These are not the kids, for the most part, who are reflected in our 54,000 freed for adoption. These are kids in long-term foster care who are going to come to the end of the system, who are going to walk out on the streets, who are going to be our homeless population, who are going to hit us over the heads, and I do not blame them. I would hit people over the head too if I had experienced something like that.

But what I really want to implore the committee, Senator Hatch, is to think about what we can do with the force of our Federal money and our Federal law to make the promises that this Congress enacted in our Federal Adoption Assistance Act and that people of such diverse views as the American Civil Liberties Union and many of the right-to-life people believe in, make those real so that we do not continue to create such damaged human beings.

[The prepared statement of Ms. Lowry follows:]

TESTIMONY OF MARCIA ROBINSON LOWRY
DIRECTOR, CHILDREN'S RIGHTS PROJECT
OF THE AMERICAN CIVIL LIBERTIES
UNION BEFORE THE SENATE COMMITTEE
ON LABOR AND HUMAN RESOURCES
June 25, 1985

I. BACKGROUND: Problems in Foster Care and the Litigation Approach to Reform

Foster care is one of the most destructive systems we have in this country -- a system which takes the children of the poor and, in many instances, completes what poverty and discrimination have begun, destroying salvageable human beings and producing yet another generation of the economically dependent and socially and psychologically unfit. Grown up, these former foster children fill our mental hospitals, our jails and our welfare rolls. As many as 50% of the homeless youth on our streets are young people who were raised in foster care.

The foster care system functions as the repository for the children whose families are most affected by the whole range of social problems in this country: when public assistance grants remain unrealistically low; food stamp eligibility is cut; day care programs defunded; mental health, drug or alcohol rehabilitation programs curtailed; or adequate and affordable housing unavailable, it is the most vulnerable families that splinter in response to pressure. And government's most consistent response is not to provide meaningful support to help such families, but rather to accelerate their breakup by taking their children into state custody, into foster care.

There are approximately 300,000 children in foster care in this country. It has often been seen as a benevolent system, one which "rescues" children from abusive parents and neglected homes and places them temporarily with kindly and competent adult caretakers. Instead, the reality is quite different.

> Many children are wrenched from caring biological parents who could raise their children in their own homes if meaningful services were provided, either concrete assistance in finding adequate housing, for example, or such traditional social services as counseling and homemaking assistance.
>
> Children in foster care are often placed with untrained and sometimes poorly screened foster parents. While some foster parents are warm and caring, others are indifferent or incompetent and their homes overcrowded.
>
> Underpaid, poorly trained and supervised social workers often carry such heavy caseloads that they cannot adquately supervise the care being provided to children. Caseworker turnover is high, contributing further to mismanagement of cases.
>
> Children are often moved from one foster family to another, without having the opportunity to form stable relationships either with foster parents or in a particular community or school.
>
> Foster care is often a dead end, until children are old enough to walk out of the system, or graduate into another state system, such as the mental health or penal systems. Relationships with natural parents are further strained by lack of contact but there is little effort to make meaningful permanent plans for children -- at an early enough point in the child's life so that a new adoptive family can be found.

Foster care was originally conceived as a benign system. Moreover its problems are for the most part invisible; unlike a grim-looking, filthy and overcrowded prison or institution for the mentally ill or retarded, the real damage inflicted on children in foster care is not readily observable. Although physical abuse in foster care is a problem, the far greater damage done to children in foster care leaves no physical scars and is not inflicted within the walls of an institution.

These problems have been described and reported on in a seemingly endless series of studies on both a local and national level. However, foster care bureaucracies have had a seemingly endless capacity to absorb these criticisms, to change administrators, rename divisions and continue business as usual. Although citizen advocacy groups of various kinds have formed and focused on these problems, they have been stymied by empty promises and the continuing lack of information that makes monitoring of promised reforms virtually impossible. The very nature of foster care, involving so many personal tragedies and the intimate details of individual lives, creates a need for a confidentiality which has been used as a cloak of secrecy to shroud the actions of bureaucrats well beyond the legitimate privacy concerns of the families involved. Moreover, many advocacy groups are limited to issuing public reports, advocating for individual children or lobbying with local government agencies. These techniques are limited in their capacity to change systems. Public reports can cause a few days of headlines and scandal, but by themselves they usually have no staying power and can be outlasted by bureaucracies resistant to change. Advocacy on behalf of individual children can often provide relief to a few, but cannot change the system that damages the many. And lobbying often falls on deaf ears, since children without families do not vote.

It was in the context of acknowledged problems and little meaningful reform that the Children's Rights Project of the ACLU began to use litigation as a technique designed to bring about meaningful changes in what was happening to children in state custody in this country.

When we began our litigation program in 1973, focused first in New York, we adopted three principles which have provided the conceptual framework for all of our litigation:

1) The state should interfere in the parent-child relationship only if such intervention is absolutely necessary and, even then, should intervene in the least intrusive manner least destructive of an existing family unit.

2) Children in state custody should have the right to equal and non-discriminatory access to appropriate and necessary services, and to due process and rational decision-making with regard to decisions affecting the child's life.

3) The state should retain custody of children for as short a period as possible and should either return the child to his or her natural family or, if that cannot be done, find a new permanent family for the child through adoption.

There was no law in the area when we began, and almost no legal precedent on which to rely. The courts were not used to these cases, and tended to reject them. In many of the early cases we had to litigate such threshhold issues as whether a child could even sue his legal custodian, since he obviously did so without the custodian's consent, and whether those suing on the child's behalf could have access to his records, which were necessary to prove his claim. The courts initially reacted with something close to bemusement, particularly federal court judges. We had to overcome the perception -- and the defense always raised by the state -- that issues involving children were uniquely a matter for the state courts and did not involve denial of constitutional rights, that each child's situation had to be viewed individually and did not implicate systemic problems, and that child welfare agency administrators were well-intentioned people who should not be held accountable for their mistakes in a court of law.

Because of the novelty of the litigation and the absence of legal precedent, combined with the general perception that foster care was a benign system, it took a longer time than we had initially expected to begin to see results. But both because of our cases and the legal precedents we have been able to establish over the last 10 years, this kind of litigation is no longer novel and a fairly solid legal basis now exists to make a major breakthrough. In addition, both state and federal law has improved to the point that there is now a far sounder statutory basis for this kind of litigation, which enables us to make more conservative and therefore more likely to be successful legal arguments.

At the same time that foster care litigation is becoming more likely to succeed, the need for it is becoming more acute. Foster care advocates around the country, who were initially heartened by the passage of the federal Adoption Assistance Act in 1980, have become increasingly frustrated by the federal government's refusal to enforce the provisions of that law. As the pressures on poor families created by continuing economic problems and cutbacks in social services programs have increased, the frustrations of those who have believed that foster care reform was possible have also increased.

II. CONTINUING PROBLEMS CONCERNING ADOPTION

Fair and reasonable access to adoption is not the only problem concerning children in foster care, but it continues to be a major one. Although the absolute number of children in placement in this country may have declined,* we do not know how many of those children are part of the revolving door syndrome -- repeated re-entries into foster care because of inappropriate discharges -- nor whether that is an artificially reduced number. It is clear that in the past too many children were taken into foster care unnecessarily; but it is not clear whether the arbitarily determined fixed reduction in foster care populations put into effect in many localities is now keeping out of foster care many children who should not remain with their own parents. Public scandals in several states concerning deaths of children whose abuse had previously been reported to child protective services suggest that at least some children are not being taken into foster care who should be.

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* In 1978, the Children's Defense Fund estimated that there were over 500,000 children in foster care. Current figures put the foster care population at just under 300,000.

Indeed, one of the major problems in foster care, and one of the major impediments to reform, has been a lack of information. Even such basic data as the number of children in care is uncertain because accurate information is not maintained by most states. Accurate data on such important issues as length of time in care, number of moves while in care, or tracking information on individual children is non-existent, notwithstanding the hundreds of millions of dollars in state and federal tax money that is expended annually.

In the 1970's, attention was focussed on children who spent their entire childhood in foster care, without either being returned home or adopted. Commissions issued reports, social workers developed pilot programs and training manuals and private foundations funded what came to be called "permanency planning" programs. Indeed, most states adopted that term into their organizational jargon. The concern about this problem was one of the factors leading to the passage of 96-272, the federal Adoption Assistance Act.

Unfortunately, the problem continues in significant measure. My basis for that statement is the three lawsuits in which my Project is presently involved, and the continuing requests I receive from

ACLU affiliates around the country to bring new lawsuits in their states to address the problem of continuing lack of access to adoption for children in foster care.

In New Mexico, Kansas City, Mo., and Louisville, Ky., we are court-certified counsel for large numbers of children in need of permanent homes, for whom local departments of social services are not following procedures, timetables, and guidelines which those departments themselves agreed were reasonable and necessary, and which were ordered by the courts. In each of those cases, we are responsible for monitoring court-ordered consent decrees (in federal court in New Mexico and Missouri; in state court in Louisville). I have attached copies of those consent decrees to these papers.

In all three jurisdictions we know that too many children are languishing in foster care unnecessarily. The facts are quite clear.

In Louisville, data furnished by the local department itself showed that in 1983 and 1984, and interpreting the data in the light most favorable to the department:

. Compliance with the timetables in the consent decree was no higher than 55% in any instance.

. Of the children for whom the department itself had decided adoption to be the appropriate plan and for whom data was entered:

> 38% had a timely planning conference after entering placement;
>
> 47% had a timely six-month conference;
>
> 55% had the form initiating efforts to terminate parental rights submitted in timely fashion;
>
> 39% had the petition to terminate parental rights filed on time;
>
> 50% had home studies submitted in a timely fashion and 43% who were identified as needing special adoption efforts were referred to a specialized unit in a timely fashion;

> 10% of the children who needed it were referred to a specialized adoption agency in a timely fashion.

Nor were these delays minimal. For example, when seven days was allowed in the consent decree for an activity, the median number of days out of compliance is 188; when 270 days is allowed, the median number of days out of compliance is 49 days; when 30 days are allowed, the median number of days out of compliance is 48 days.

Two charts attached to this testimony illustrate the degree of continuing non-compliance with the court-ordered timetables and procedures. A state court judge in Kentucky has recently found the department in contempt of court for non-compliance.

In Kansas City, Mo., the problems of attempting to ensure access to adoption, as measured through compliance with one section of a more sweeping decree, are equally clear. In that city, we found that 45% of the children did not have preliminary planning conferences.

"Plans" for the children included a wide range of possibilities, even though the consent decree limits the options. For example, the plan was "continued foster care" for a 6-year-old child, "other" for a 12-year-old whose father had not seen her for six years and whose mother's whereabouts were unknown.

Planning for children with adoption as a goal was woefully inadequate. Of those children, 75% did not have documentation forwarded to the juvenile court in a timely fashion, 94% did not have their files sent to the adoption unit and none had any special adoption recruitment efforts or referral to adoption exchanges made.

In New Mexico, the problems are also acute. At the beginning of this year, even after operating under a federal court order for more than one year, many workers still did not receive mandated training, one-fourth of the children did not receive timely initial planning conferences and 41% did not receive them at all. Statewide, 38% of the children did not have permanent plans, required to be made within six months. In the most populous county, that figure soared to 52%.

In all of these jurisdictions, caseloads are far too high. Although the caseworker-child ratio in these consent decrees is well within accepted professional standards, none of these jurisdictions are even close to meeting the mandated caseload standard contained in the decrees.

In all three of these jurisdictions, the social services bureaucracies have at least promised reforms -- by signing consent decrees -- but these promises have been largely meaningless so far. In many other states, where we have been urged by local groups to file new lawsuits, the situation is even worse. In Richmond, Va., for example, the average length of stay for white children is 6.9 years; for black children it is an astonishing 9.7 years.

The consequences to children of what these statistics reflect are devastating. Children whose biological families will never be able to provide a home for them are nonetheless denied the opportunity to have any permanent home other than a social services office.

> Clint is a 14-year-old boy who has been in 15 different placements. His mother would often express interest in her children but her problems were so severe that she finally killed herself. At four, when his family was reported to the state, Clint and his brother and sister were eminently adoptable, probably together. Today he lives in a group home after a year in a psychiatric hospital, and recounts the frequent arrival of a strange social worker, to move him on a moment's notice to yet another place. "I never know why," he recalls. "I always assumed it was my fault." Clint often gets into trouble now for stealing. His older brother is in the state reformatory.

> Susie and Donnie, left locked in a closet by their parents as toddlers, were nevertheless healthy children when they entered foster care. Although they were quickly freed for adoption, they spent 10 years in a foster care situation, where Susie was raped when she was 12, until they were finally adopted recently.
>
> Carlos is 22. He recently had his first child and his retarded wife is pregnant with the second. He entered foster care when he was 11 months old, and grew up in a series of foster homes and institutions. His parents died shortly after he was placed in foster care. Although he knows he had sisters and a brother, he cannot recall ever seeing them and has tried unsuccessfully to learn their whereabouts. He is having children, he openly admits, to create the family he has never had but neither he nor his wife can care for their first baby, who has already been hospitalized twice. But the child still has not been taken into foster care.

All of these young people represent reckless squandering of human lives. There are thousands of children today, caught in state foster care systems, who are already free for adoption or who could -- and should -- be freed or surrendered if the most minimal effort were made. These are not the hard cases, where an involved parent is trying valiantly to have a child returned home. These are the cases in which the parents' whereabouts may be unknown, the parents' abandonment is clear, or the parents themselves have acknowledged their defeat or disinterest. At the same time, and remarkably, there are thousands of adults who have the capacity and desire to raise and nurture these children.

Instead, this country continues to spend millions of dollars producing foster care graduates who are economically dependent and psychologically and psychically damaged.

The federal government has been in a strong position to affect this problem by virtue of the federal money supporting foster care programs around the country and the many excellent provisions of the federal Adoption Assistance Act. It has not used its authority and strength to accomplish the intent of this legislation.

Instead, state foster care programs, for the most part, continue to be incompetently and chaotically administered; their information systems are notoriously unreliable; caseworkers continue to be poorly trained and supervised, and beset by unmanageably large caseloads and lack of resources necessary to do their jobs; the concept of planning or reasonable implementation of plans is a sham; and the promise of adoption for children who desperately need new families remains an empty one for far too many children.

The CHAIRMAN. Well, I really appreciate both of your testimonies here today. I am going to submit a number of written questions to you so that you can take your time and answer them at your leisure and bring them back.

Let me just say this, Father, that the average age of each child that Downey Side places is 13 years of age and that approximately 2,000 adolescents have been placed into homes and about 67 percent of them have been successfully placed into permanent families.

Now, I personally think you have done a phenomenal job, and I just want to congratulate you for working with one of the hardest to place categories of special-needs kids.

Father ENGEL. I just want to point out, Senator, that about 50 percent of those placements were in black and Hispanic families.

The CHAIRMAN. Is that right? Well, that is great.

Well, I just have been very impressed with the testimony of everybody here today, and you also, Ms. Lowry. I think your sensitivity and humanity came through very well in your testimony here today.

I do have a lot of questions——

Father ENGEL. Could I ask a question, Senator?

The CHAIRMAN. Sure.

Father ENGEL. In the letter that I received from your office, you mentioned children already "legally freed." I did not understand why that was put in there.

The CHAIRMAN. Children already legally——

Father ENGEL. Freed for adoption.

The CHAIRMAN. Yes. You do not understand what that meant?

Father ENGEL. Well, to any adoption workers, as soon as we hear the words "barriers to adoption," I mean we think of all the children, and equate the major barrier to adoption to termination of parental rights. That is the key area.

The CHAIRMAN. Right.

Father ENGEL. I have been working with your committee for several months, you know, being excited about coming to talk here. Then, when I got the letter which stated children already "legally freed" for adoption, I was just kind of shocked because——

The CHAIRMAN. Well, I think what we meant by that is the jurisdiction of the committee. The only jurisdiction of the committee that we have in this area are kids whose parental rights have been terminated or kids who are free to be placed in adoption, who come under adoption services. So that is what was meant there.

Father ENGEL. Well, then, maybe the problem of fragmenting this issue the way it was done by the various committees won't deal with this issue correctly because you have got to take the whole perspective into view.

The CHAIRMAN. You are wrong on that. I think it is true, if you look at it just from the committee standpoint. But, I think, what we have heard today indicates to me that we need to resolve this on a more rounded basis than just worrying about specifics. Now, some specific legislation might be very good. Senator Metzenbaum has indicated he is going to file legislation to allow transracial adoptions. Well, that is just one problem in this overall area. You know, I have offered an amendment to give tax benefits to those who go through the adoption process. That is pretty important because it is very expensive to adopt today under certain circumstances, and a lot of people are just deterred from adoption just because of that. You can talk about the other six categories that I have mentioned. I have mentioned eight barriers that I immediately saw. And we have had some indication of perhaps some others here as well today, or at least specific barriers.

Father ENGEL. Could I just ask one more question, Senator?

The CHAIRMAN. Sure.

Father ENGEL. In regard to the Pro Life movement, which I am a member of, you say "adoption" not "abortion." Yet, I have not seen any support from the Pro Life people for getting kids freed for adoption. I was wondering if there would be a way of getting this committee support for all the children who are held back from a permanent family because they are in limbo in foster care as Marcia Lowry pointed out. By the way, I agree 100 percent with what Marcia Lowry's observation about the kids waiting to be adopted. I feel that many of these kids are aborted in the foster care system in the spirit. Human beings need not only their body to live in, but they need a healthy spirit—a spirit which can only grow when it is connected to a loving relationship. Children waiting for courts to make decisions on whether their "bios" are going to take them back cannot live in the spirit. They live waiting somewhere suspended in space.

So I am really hoping that this committee and your leadership in the Pro Life movement would also include a child's right not only to be born but also to be parented.

The CHAIRMAN. I think you have made a very good case there. You know, one of the things that has always bothered me about the Pro Life movement is that everybody is so concerned about the right to live but they are not as concerned about the quality of the life thereafter. I think that has been changing. Even people like the Reverend Jerry Falwell, in fact, I should not say even, he has really been doing a tremendous thing in coming up with these adoption centers and these centers for these young women to help them with their medical bills and their expenses and psychiatric treatment and psychological counseling and so forth. I think he is putting his money where his mouth is, and I would like to see more people in the religious community who believe in the right to live and who believe in Pro Life causes do something to make it so that these kids do not come into a worse existence than they have to so that they might have some real hope for the future because, like you say, they should have parents and there should be a right to have parents and not just live in the gray category here as we see in this particular chart. Now, that is not to knock foster homes or foster parents. They are wonderful, for the most part, but we have heard of some abuses here today and we have to be cognizant of those and sensitive about those as well.

Let me just submit these questions to you because I have run out of time, but this has been a great hearing as far as I am concerned. It has helped my awareness a great deal, and we have had a wide variety of witnesses, and I presume we will hold the second hearing on the 10th, even though I have a conflict. And at that time, I think we have about six witnesses at that time. Hopefully, we can button this down and get the whole circle drawn here from a variety of viewpoints and then be able to do something that is worthwhile and progressive and decent for these young children, who really do not have the advocates that they need in every sense of that term. But you folks are both clearly good advocates, and I just want you to know how much I respect you.

[Additional material supplied for the record follows:]

STATE OF MICHIGAN

JAMES J. BLANCHARD, Governor
DEPARTMENT OF SOCIAL SERVICES
300 South Capitol Avenue, P.O. Box 30037, Lansing, Michigan 48909
AGNES M. MANSOUR, Ph.D., Director

RECEIVED JUL 12

June 24, 1985

Senator Orrin G. Hatch, Chairperson
Committee on Labor and Human Resources
United States Senate
Washington, D.C. 20510

Attn: David Rawlings, Investigator

Re: Committee Hearings
Barriers to Adoption of Special Needs Children

Dear Senator Hatch and Committee Members:

Thank you for the opportunity to provide written testimony to the committee. The subject of your hearings is of great interest and importance to the State of Michigan and the Michigan Department of Social Services.

The following policies and practices demonstrate our long-standing commitment to the right of every child to grow up as a member of a permanent family:

1. Michigan's first adoption assistance (subsidy) law was passed in 1969. The first act, and subsequent changes to the law, provide a support and medical subsidy for adoption of special needs children. The issuance of a support subsidy is based solely on the child's needs without consideration of adoptive parent income. Medical subsidy is approved for payment of expenses of a physical, mental, or emotional condition that existed, or the cause of which existed, prior to the adoption. There are 4,500 active subsidy cases.

2. Since the early 1970s, adoption by a child's foster parent(s) and relatives has been encouraged. Policy reflects our commitment to reducing the number of moves a child makes by requiring staff to consider foster parents as the placement of choice while weighing other factors including placement with siblings, religion, race and ethnic heritage, the child's physical and emotional needs, etc. In recent years, approximately 50% of the children for whom the state was responsible were adopted by their foster parents and 12% adopted by relatives.

3. As required by P.L. 96-272 of 1980, "The Adoption Assistance and Child Welfare Act," administrative and judicial review requirements have been implemented.

4. In 1980 a pilot citizen review board system was initiated. Through legislation, it has been extended and further expanded in 1985.

5. A division of labor through contract between the public sector and 41 private child placing adoption agencies forces the public sector to focus its adoption placement activities on children who are less readily placeable and for whom no family has been identified. This partnership has resulted in the placement of a greater number of children, and in more of a community-wide approach to the needs of waiting children.

6. In the early 1970s, the efforts of parent and citizen advocates resulted in the establishment of innovative agencies such as Spaulding for Children, Homes for Black Children, and the Council on Adoptable Children. These agencies and groups developed a national reputation of leadership in the placement of children previously considered and labeled "unadoptable." Their influence has had a profound impact on Michigan's practice in the placement of special needs children.

7. Over the past five years adoption has been accomplished each year for an average of 910 children for whom the Department of Social Service is responsible. In fiscal year 1983-84, 30% of the children placed were 10 to 19 years of age; 43% were minority; 43% were placed with their siblings; and, 40% were handicapped. Nearly all of these children had experienced the trauma of removal from birth parent(s) through an involuntary court process and placement in the foster care system.

And yet, despite this commitment and the legislative and financial support of the United States Congress and the Michigan Legislature, there are still children in Michigan whose legal parent is the state or a county probate court.

Who are these children in Michigan who have through court action been cut loose from their original families and are now waiting for adoptive families? As of May, 1985, there were 1,084 waiting children. Of these children, 48% are minority, 51% are white; 24% are ages 0 to 5, 23% are ages 6 to 9, 18% are ages 10 to 12 and 35% are 13 to 19 years of age. The majority of these children will be adopted by their foster parents or relatives and the adoption is in process. The remainder are waiting for a special as yet unidentified family who will be willing to adopt them.

We have identified the following barriers to the timely placement of Michigan's waiting children:

1. The major barrier to adoption is the ever-increasing severity of children's presenting problems, i.e., age (35% are 13 years of age or older), race (48% are minority), multiple impairments, and the need for placement with siblings. It is the combination of these factors that makes placement difficult to achieve. For example, today in Wayne County (Detroit) there are 100 children for whom there is no identified family despite the cooperative recruitment efforts of eight adoption agencies and the Department of Social Services in the metropolitan Detroit area. Of these 100 children, 95 are Black; 12 are 0 to 7 years of age and are multiply physically and emotionally impaired, 18 are ages 8 to 12 with severe emotional problems; and, 22 are children for whom placement with brothers/sisters is of utmost importance.

2. In Michigan, by statute, adoptive planning cannot be pursued until parental rights have been terminated therefore making the child "legally free for adoption." One barrier to adoption is the length of time a child has been in the foster care system and the resulting emotional trauma caused by this period of legal limbo.

3. A history of foster parent adoptive placements in Michigan has left many counties with a shortage of foster homes and consequently adoptive homes. Additional intensive recruitment efforts are needed particularly geared to minority (especially Black) parents. Foster care payment policies that discourage minority applicants need to be examined and changed. (For example, the provision of payments to foster parents for needed day care services.)

4. Placement technology has developed more quickly than the technology to support the placements of special needs children. This has resulted in the lack of resources available to families of emotionally impaired children exhibiting severe behavior problems (vs. resources for physically impaired children). For example:

   - family therapists who are knowledgeable about adoption issues and family dynamics.

   - short-term intensive in-home and out-of-home services (ex., respite care).

5. Lack of adoptive family support and education networks, i.e., parent groups. The day-to-day support of other families is needed by adoptive families.

6. Staff-related barriers:

   - o shortage of adoption staff within the Department of Social Services
   - o inadequate staff training/education which impacts on staff attitudes regarding "adoptability" and knowledge of the resources needed to support placements.
   - o the cumulative effect of the large number of placements over a period of many years as it relates to the post-confirmation and adoption assistance (subsidy) workload has reduced staff time available for placement-related services.
   - o changes in staff deployment patterns to reduce the number of placements in foster care by making better first placements has resulted in a short-term reduction in number of placements in adoption as staff are learning new skills (licensing, for example) and training other staff to provide adoption services.

Our staff have felt the confusion, loneliness and pain of the children who wait. We share your concern for identifying the barriers that stand between them and the families they so desperately deserve and need. It is our hope that solutions to these barriers will be an outgrowth of this hearing process.

Sincerely,

Agnes M. Mansour

The **CHAIRMAN**. With that, we will recess until further notice. Thank you so much.

[Whereupon, at 3:07 p.m., the committee adjourned at the call of the Chair.]

BARRIERS TO ADOPTION

WEDNESDAY, JULY 10, 1985

U.S. SENATE,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC.

The committee convened, pursuant to notice, at 11:05 a.m., in room SD-430, Dirksen Senate Office Building, Senator Orrin Hatch (chairman) presiding.

Present: Senators Hatch, Metzenbaum, Hawkins, Dodd, and Grassley.

OPENING STATEMENT OF SENATOR HATCH

The CHAIRMAN. One of the greatest blessings for people everywhere is the family. It is within our own family that each of us individually learns to care, to cope, to develop the strong sense of values which together make up the society in which we live.

Family ties can be expanded and strengthened by having children. Some families have expanded by adopting children. However, barriers exist today which impede the adoption process. They prevent couples from receiving a child who needs loving care and a loving home. These barriers also prevent the adoption of an estimated 50,000 special-needs children, legally free for adoption, waiting for the security and love of a permanent home.

During our first day of adoption hearings, we heard startling testimony from families and experts on problems they must overcome before special-needs children are adopted.

One family in particular, the Avegnos, talked of the multiple problems that they faced in adopting seven of their children. It wasn't until one of their children experienced a nervous breakdown that these parents appreciated how much "adoption can make the difference between life and death to children."

We also heard from those who have, in their own words, been brutalized within the foster care system. These individuals pleaded with members of this committee to remove those obstacles which had prevented their own placement into permanent families. Their testimony gave further impetus to those of us on this committee to declare that we must do everything possible to break down the barriers which thwart the placement of America's special-needs children.

Today, we are going to discuss what can be done to remove the barriers. We begin our second day of hearings highlighting constructive public and private efforts to place special-needs children into permanent homes. We will hear from Assistant Secretary Dorcas Hardy, who is spearheading President Reagan's programs working with States and local communities to increase the number of adoptions. We will also learn about private sector efforts, including the special media campaign entitled "Wednesday's Child" sponsored by KUTV—Channel 2 in Salt Lake City and hosted by Randall Carlisle. We will learn about church efforts and other public and private organizations' work to remove the barriers to the adoption of children with special needs.

These efforts, in my opinion, simply have to be supported. More can and should be done. President Reagan recently said, "More children with permanent homes means fewer children with permanent problems." It is my hope that these hearings will shed light on the need for cooperation and inspiration in providing our Nation's youth the security of families.

So, I look forward to hearing the testimony provided today.

At this point the opening statement of Senator Hawkins and the prepared statements of Senators Kennedy, Kerry, and Humphrey will be inserted in the record.

[The statements referred to follow:]

OPENING STATEMENT OF SENATOR PAULA HAWKINS

Senator Hawkins. Mr. Chairman, I am delighted to join you here today to review the barriers that still exist to the adoption of children with special needs. I know that in Florida well over half the 6,000 children in foster care have special needs. Most of these special-needs children are not children with severe physical handicaps, but instead children who have severe emotional problems.

Often, these children are normal, healthy, and fairly well adjusted when they first enter foster care. But they are caught in a terrible catch-22, because 42 percent of the children of Florida's adoption exchange are black and they tend to be older children, between the ages of 5 and 18; they take a longer time to place with adoptive families. Forty-six percent of minority children in the adoption exchange have been in foster care for over 2 years. The longer these children stay in foster care, the longer they are moved from one foster care family to another. The longer they are without any roots or feeling of belonging, the more likely they are to develop severe emotional problems and become special-needs children.

Rosemary Gallager, associate for social services for the Florida Catholic Conference tells me that it is a problem that is disturbing in Florida. Mrs. Gallager says that when she first began to work with foster care and adoptive services in Florida 8 years ago, there were about 8,000 children in foster care awaiting adoption. Florida began permanency planning before the Federal mandate, and were able to reduce the number to below 5,000. Now about 1,000 new children have entered foster care. Florida has begun to respond to this situation by establishing a special project dealing with adoption needs of black children that is similar to the one church, one child project in Detroit.

It takes very special families that are willing to adopt children with severe emotional or physical handicaps, but these families do exist. We need to intensify our efforts to reach these families and give these special needs children the opportunity for growth in a loving, permanent home.

STATEMENT OF SENATOR EDWARD M. KENNEDY

HEARINGS ON

BARRIERS TO ADOPTION

JULY 10, 1985

I am pleased that today we are considering the issue of adoption and the barriers that exist to adopting children with special needs. I commend my colleague Senator Hatch for his hard work and commitment to this important issue.

I would like to welcome and extend my warm wishes to all those who have come here to testify today. We are all aware of the love, caring and commitment of parents across the country to their adopted sons and daughters. We all admire the courage and strength of all adopted special needs children and adults especially those who have come here to tell us of their experiences. And we all encourage the continued good work of those agencies and organizations that work hard every day to reunify families and to find permanent homes for all children.

Since the creation of the Adoption Assistance and Child Welfare Act of 1980, we have made some progress in stemming the tide of the strong anti-family bias that existed in the foster care system. We know that children have been removed from their families unnecessarily and that no permanent placements were found for these children. We graduated a whole class of foster children who never knew a permanent home, who may have turned to a life of delinquency, who may be homeless at this very moment, and who may be experiencing severe mental health problems.

P.L 96-272 is starting to put a stop to the unnecessary removal of children from their homes and is beginning to provide permanency planning for older minority children, sibling groups, and children with mental and physical handicaps. We are returning to the recognition of the importance of families for children, and whenever possible, those families should be the natural families.

And, with the restoration of the Adoption Assistance Program to pre-1982 authorization levels, we can look toward this program to further improve the liklihood that all special needs children can live in a permanent home.

There are just a few issues that I believe are important to keep in mind during these hearings.

First, I believe that it is critical to provide natural families who have children 'at risk' of being placed in foster care with every possible support service to enable them to cope with their problems and to continue as a family unit with their children at home. These support services are preventative measures and include adequate AFDC benefit levels, enough food stamps to last the month, affordbale housing and mental and physical health services and counseling. Massachusetts has just instituted the Family Reunification Program which provides a one-time cash benefit to parents whose children are either expected to be in foster care for 6 months or less, or are expected to be returned home in less than 3 months.

I feel strongly that we must direct resources and attention to increasing outreach and education for minority families who are potential adoptive families. The adoption system is not tailored to accommodate minority families and children and we must make this system equal. Perhaps one way to accomplish this is to provide a specific set-aside under the Adoption Assistance Program for education and outreach for minority families.

The availability of support for medical costs to adoptive families is critical. These services should be increased and the disincentives created when families move from one state to another should be eliminated.

Finally, for those children who are now 18 years old, who have graduated from the foster care system without ever experiencing a permanent home, we must provide basic life skills training that they did not acquire during their childhood. We must provide them with the necessary tools to live a productive adult life.

I look forward to working with Senator Hatch on these important issues .

STATEMENT BY SENATOR JOHN KERRY

SENATE LABOR AND HUMAN RESOURCES COMMITTEE

BARRIERS TO ADOPTION

JULY 10, 1985

MR. CHAIRMAN, WE ALREADY HAVE LEARNED AND HEARD MUCH ABOUT THE NUMEROUS OBSTACLES HINDERING THE PLACEMENT OF CHILDREN IN STABLE, CARING HOMES. IT IS MY SINCERE HOPE THAT AS WE BEGIN THIS SECOND DAY OF HEARINGS ON THIS SUBJECT WE WILL LEARN EVEN MORE ABOUT THESE PROBLEMS AND MOVE CLOSER TO ELIMINATING THE BARRIERS THEY PRESENT.

EXPERIENCE HAS SHOWN US THAT SPECIAL EFFORTS, SPECIAL THOUGHTS, AND SPECIAL CARE CAN RESULT IN FINDING HOMES FOR CHILDREN WITH SPECIAL NEEDS. BUT ALTHOUGH THE MYTH OF "UNADOPTABLE" CHILDREN HAS BEEN SHATTERED, IT IS TRAGIC THAT EXTRAORDINARY CIRCUMSTANCES STILL ARE OFTEN NEEDED IN FINDING HOMES FOR CHILDREN WITH SPECIAL NEEDS. IT IS CRUCIAL THAT WE REMAIN CREATIVE AND PERSISTENT IN OUR SEARCH FOR THE BEST POSSIBLE ENVIRONMENTS FOR THESE CHILDREN. IN MASSACHUSETTS FOR EXAMPLE, WE ARE EXPLORING THE POSSIBILITIES OF FOSTER PARENT GUARDIANSHIPS FOR OLDER ADOLESCENTS. THE HOPE IS THAT GUARDIANSHIP CAN AT LEAST GIVE A CHILD THE SENSE OF STABILITY AND BELONGING THAT MAY BE LACKING WHEN THE STATE MAINTAINS CUSTODY OF THE CHILD.

IT IS ALSO CRUCIAL THAT GOVERNMENT POLICIES NURTURE RATHER THAN HINDER THE DEVELOPMENT OF STABLE HOME ENVIRONMENTS FOR CHILDREN WITH SPECIAL NEEDS. FAMILIES WHO

CARE FOR THESE CHILDREN CARRY SPECIAL BURDENS, AND I WOULD LIKE TO REITERATE MY FIRM BELIEF IN THE IMPORTANCE OF PROVIDING THE SUPPORT SYSTEMS SO ESSENTIAL TO THESE FAMILIES. MEDICAID ASSISTANCE SHOULD BE SUFFICIENT AND RELIABLE AND POST-ADOPTION SERVICES SHOULD BE ADEQUATELY FUNDED.

AS WE STRIVE TO TEAR DOWN THE BARRIERS TO ADOPTION, WE MUST MAKE CERTAIN THE SOCIAL SAFETY NET REMAINS SECURELY IN PLACE. MR. CHAIRMAN, I LOOK FORWARD TO WORKING WITH YOU AND OTHER MEMBERS OF THIS COMMITTEE IN MEETING THIS CHALLENGING AND IMPORTANT TASK.

TESTIMONY OF SENATOR GORDON J. HUMPHREY
HEARING ON BARRIERS TO ADOPTION
JULY 10, 1985

MR. CHAIRMAN, THANK YOU FOR THE OPPORTUNITY TO TESTIFY TODAY AT THIS SECOND DAY OF HEARINGS ON THE BARRIERS TO SPECIAL NEEDS ADOPTION. I COMMEND YOU FOR CONDUCTING THIS IMPORTANT INVESTIGATION TO DETERMINE WHAT PROBLEMS STAND IN THE WAY OF FINDING LOVING, PERMANENT HOMES FOR THESE CHILDREN. I WOULD LIKE TO ADD MY VOICE TO THOSE WHO ARE PRESSING FOR SOLUTIONS, AND I PLEDGE MY SUPPORT FOR EFFORTS TO BREAK DOWN THESE BARRIERS.

MR. CHAIRMAN, WITNESSES AT YOUR FIRST HEARING SPOKE ELOQUENTLY, AND MOVINGLY, OF THEIR EFFORTS TO PROVIDE HOMES FOR NEEDY CHILDREN. THEY DOCUMENTED IN A MOST DRAMATIC WAY THE PRESENT INADEQUACIES OF OUR ADOPTION SERVICES AND OUR FOSTER CARE SYSTEM. THEIR TESTIMONY PROVIDES STRONG EVIDENCE THAT MUCH REMAINS TO BE DONE BEFORE EVERY CHILD IN THIS COUNTRY HAS A SAFE, PERMANENT HOME.

ALTHOUGH WE MAY NOT ALWAYS BE IN TOTAL AGREEMENT ON THE SPECIFIC POLICIES TO PURSUE, I KNOW THAT MANY MEMBERS OF THIS CONGRESS PLACE TOP PRIORITY ON FINDING HOMES FOR CHILDREN. YOU, AND MEMBERS OF THIS COMMITTEE, HAVE WORKED STEADFASTLY TO PROVIDE FEDERAL LEADERSHIP ON THE ADOPTION ISSUE. SIMILARLY, MEMBERS OF THE FINANCE COMMITTEE HAVE SPENT LONG HOURS DEVELOPING ADOPTION AND FOSTER CARE SUBSIDIES FOR STATE PROGRAMS, AS WELL AS OTHER

ADOPTION-RELATED PROGRAMS. PARALLEL COMMITTEES IN THE HOUSE HAVE DEDICATED THEMSELVES TO THE ISSUE. STILL, AS WE HAVE HEARD, PROBLEMS PERSIST; IN THE FEDERAL ADOPTION PROGRAMS, IN STATE AND LOCAL POLICIES AND LAWS RELATING TO ADOPTION AND FOSTER CARE, AND IN SOCIETY'S ATTITUDES AND PERCEPTIONS ABOUT ADOPTION.

I HAVE LONG HAD AN INTEREST IN THE ISSUE OF ADOPTION. IN MY EARLY YEARS IN THE SENATE, AS A MEMBER OF THIS COMMITTEE, I WAS ACTIVELY INVOLVED IN THE LEGISLATION WHICH PROVIDED FOR DEVELOPMENT OF THE MODEL STATE ADOPTION ACT. IN ADDITION, AS YOU KNOW, I HAVE LONG BEEN ACTIVE IN THE PROLIFE MOVEMENT, AND I HAVE BECOME CONVINCED THAT THE PROMOTION OF ADOPTION AND REMOVAL OF THE NEEDLESS BARRIERS WHICH HAVE DEVELOPED WOULD PROVIDE MANY WOMEN A WELCOME ALTERNATIVE TO ABORTION. BUT BEYOND THAT, I BELIEVE WE MUST ALSO DEVOTE OURSELVES TO THOSE CHILDREN ALREADY BORN WHO ARE CAUGHT UP IN THE CHILD WELFARE SYSTEM. AS ONE OF YOUR WITNESSES AT THE FIRST HEARING DESCRIBED IT, TOO OFTEN THE SPIRIT OF THESE CHILDREN IS BEING ABORTED IN THE FOSTER CARE SYSTEM.

BECAUSE OF MY SUPPORT OF ADOPTION, AND MY GROWING AWARENESS OF A SIMILAR ATTITUDE HELD BY MANY MEMBERS OF CONGRESS, I HAVE FORMED THE CONGRESSIONAL COALITION ON ADOPTION. THE CONGRESSIONAL COALITION ON ADOPTION IS A BIPARTISAN, BICAMERAL ALLIANCE DEDICATED TO REMOVING THE BARRIERS THAT DENY CHILDREN A LOVING, PERMANENT HOME, AND PREVENT COUPLES FROM ESTABLISHING FAMILIES. JOINING ME AS

CO-CHAIRMEN ARE SENATOR LLOYD BENTSEN, CONGRESSMAN THOMAS BLILEY, AND CONGRESSMAN JAMES OBERSTAR. I AM DELIGHTED THAT YOU, SENATOR HATCH, AS WELL AS SENATOR NICKLES, ARE MEMBERS OF THE COALITION AND I URGE ALL THE COMMITTEE MEMBERS TO JOIN IN OUR EFFORT.

THE PURPOSE OF THE COALITION IS TO SUPPORT AND SUPPLEMENT THE WORK OF THE CONGRESSIONAL COMMITTEES OF JURISDICTION, THE OFFICE OF HUMAN DEVELOPMENT SERVICES AT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, STATE AND LOCAL GOVERNMENTAL AGENCIES, AND THE PRIVATE ORGANIZATIONS PROMOTING ADOPTION. THE COALITION ON ADOPTION WILL EXAMINE ALL THE PRESENT BARRIERS TO BOTH INFANT AND SPECIAL NEEDS ADOPTION, AND STUDY VARIOUS INCENTIVES WHICH SHOULD BE ENCOURAGED AND FURTHER DEVELOPED. THE COALITION WILL HOLD HEARINGS TO HIGHLIGHT SUCCESSFUL PROGRAMS, SO THAT OTHERS MAY SHARE THEIR EXPERIENCES AND USE THESE PROGRAMS AS A MODEL. IN THE UPCOMING MONTHS, WE HOPE TO LOOK AT BARRIERS TO INFANT ADOPTION, AS WELL AS A BROAD RANGE OF ADOPTION ISSUES INCLUDING SOME OF THE BARRIERS TO SPECIAL NEEDS ADOPTION WHICH HAVE BEEN RAISED AT THESE HEARINGS, INDEPENDENT ADOPTIONS, AND INTERNATIONAL ADOPTIONS. IF THE NEED FOR LEGISLATIVE CHANGE BECOMES APPARENT, THE COALITION WILL BE ABLE TO SUPPORT BILLS AS THEY ARE INTRODUCED IN CONGRESS OR TO ENCOURAGE LEGISLATION AT THE STATE LEVEL.

IN SUMMARY, LET ME SAY I AM PROUD TO JOIN YOU AND THIS COMMITTEE, AS WELL AS THE ADMINISTRATION, IN EFFORTS TO

REMOVE THE BARRIERS TO ADOPTION. MUCH HAS BEEN ACCOMPLISHED BUT MUCH REMAINS TO BE DONE. I HAVE NO ILLUSIONS THAT THERE ARE SIMPLE ANSWERS OR THAT RESULTS WILL BE SWIFT. I HAVE MADE THE CONGRESIONAL COALITION ON ADOPTION ONE OF MY PRIORITIES FOR MY SECOND TERM, AND DURING THOSE YEARS I WILL DO EVERYTHING POSSIBLE TO CONTRIBUTE TO THE SOLUTION TO SOME OF THE PROBLEMS, AND REMOVAL OF THESE BARRIERS.

OUR CHILDREN ARE INDEED OUR MOST PRECIOUS RESOURCE. IN ADDITION, I AM CONVINCED STRONG FAMILIES HAVE GREATLY CONTRIBUTED TO THE STRENGTH OF THIS COUNTRY, AND WE MUST DO ALL WE CAN TO PRESERVE OUR TRADITIONS OF FAMILY LIFE. ADOPTION SERVES THAT CAUSE BY FINDING SAFE, PERMANENT HOMES FOR CHILDREN AND ESTABLISHING FAMILIES FOR THOSE WHO OTHERWISE WOULD NOT BE ABLE TO HAVE ONE. I AM HAPPY TO BE ABLE TO MAKE A CONTRIBUTION TO THIS EFFORT AND WELCOME YOUR ASSISTANCE ON THE COALITION, AS WELL AS ANY SUGGESTIONS YOU MIGHT HAVE FROM YOUR EXTENSIVE EXPERIENCE ON THIS ISSUE.

MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO TESTIFY TODAY, AND FOLLOWING ANY QUESTIONS YOU MIGHT HAVE, WOULD VERY MUCH LIKE TO JOIN YOU ON THE DAIS TO HEAR THE TESTIMONY OF YOUR REMAINING WITNESSES.

The **Chairman**. At this point, we will turn to Senator Metzenbaum.

Senator **Metzenbaum**. Mr. Chairman, last week's hearing was one of the most impressive that I have ever participated in. Never before in a hearing in the U.S. Senate have I been so moved as I was by that family from Louisiana that had adopted eight or nine children after having a natural-born child of their own. And I do not believe that I have ever been more touched than when I heard of the kinds of children they adopted, with all sorts of problems, and then to add to the complexity of their lives the little girl they brought with them. It is the only hearing that I remember that has ever brought tears to my eyes. And I just felt such a sense of gratitude that there are such people in this world.

The hearing last week also heard some conflicting views with respect to foster placements, as well as some general agreement from social agency representatives and families and from former foster children, on many problems out there.

But as compelled and as moved as I was by some of the testimony, that is how concerned and disturbed I was by some of the other testimony. I was moved by the testimony of a foster parent who declared that she did not spell love "c-o-l-o-r." All of my life, I have been involved with what I consider to be the needs of this country; that is, for it not to be race conscious, not to be conscious of people's distinctions on the basis of their ethnic background or their religion.

And so when it comes to the matter of placement of children for adoption, I feel strongly that no little child should be denied placement because some exterior force says that there is something inappropriate about placing a black child with a white family. I have difficulty in comprehending that, and I resent it. It is repugnant to everything I believe about our society. I believe that everybody ought to be treated the same way, and we ought not to look at the color of skin of people, whether it is that little baby, or whether it is an adult.

I am concerned about that little child's right to a loving, permanent home, and I really do not care where that home can be found. If there are black families that want the child, fine. If there are Hispanics, if there are people of the yellow race, fine; and if there are people of the white race, fine.

But it is the child that I am most concerned about. I recognize the complexities of the issue. I have been in contact since that hearing with leaders in the black community and with others who are concerned about the need of the child. And I come down to only one conclusion, and that is that we should be concerned as to what are the best interests of the child.

I am reviewing legislation to make it illegal to ban transracial adoptions simply on the basis of race. I was so pleased to learn within the last 20 minutes that Maryland has just passed legislation to that effect. I doff my hat to Maryland. And it pleases me so much that the chairman of the committee and I are in total agreement on this issue, though there is no secret about the fact that he and I oftentimes are in disagreement on many issues. And I expect that with his help, we will be able to go forward with appropriate legislation.

I will spend more time exploring the issue with the leadership of the black community and with others who have a concern, and there are other issues that we are going to have to address. I will work with the chairman and others on this subject. To me, it is a very compelling one.

Having said that, Mr. Chairman, I am frank to say that I am embarrassed about the fact, as you well know, that there is a very important hearing in which you and I both have a strong interest—and in that other committee, we are in disagreement—and we both, I think, are going to excuse ourselves to go to that committee, but it is not for a lack of interest about this issue. I am grateful to you for being able to secure the services of Senator Hawkins, who I know shares our concerns, and who will be able to preside over the hearing, and my staff will remain.

Thank you very much.

The CHAIRMAN. Well, thank you, Senator Metzenbaum.

I also appreciate Senator Hawkins, who I think is No. 1 in this whole body with regard to family and children's problems. I do not know anybody who does a better job, and so I am very grateful for her willingness to chair this hearing.

I would like to personally introduce my constituent. I am especially pleased to welcome and introduce Mr. Randall Carlisle, who has become a keen adviser to me on legislative and private sector initiatives concerning the adoption of special needs children.

Randall Carlisle is the host of a television program in Salt Lake City entitled, "Wednesday's Child," and I am pleased that he is joining us today to share his experiences with our committee.

You mean a lot to me personally, and the attitudes and approaches you have taken, it seems to me, will have played a dramatic and profound impact on whatever this committee finally decides to do in this area. And I think when you can get Senator Metzenbaum and Senators Hatch and Hawkins together, we can go a long way in this body.

So, Randy, we are very happy to have you here today, and we are happy to have your wife here and we welcome her to the committee as well.

So with that, we will take your testimony, and I hope you will forgive me for having to go down and, as chairman of the Constitution Subcommittee, help make the principal arguments for the balanced budget constitutional amendment.

STATEMENT OF RANDALL CARLISLE, TELEVISION REPORTER AND ANCHOR, KUTV, SALT LAKE CITY, UT

Mr. CARLISLE. Thank you.

Senator Hawkins, my testimony will be short and simple. Yet I believe the solution I offer is unique and would go a long way toward solving a problem that is anything but short and simple.

I have submitted a sheet of paper, and I think you should have it there in front of you. It is describing a young girl named Lynette. And this sheet of paper is the only thing available to parents interested in adopting a child in the initial phase. You should find it in your packet there. It is a one-page piece of paper, describing a girl named Lynette. It tells us that Lynette is intellectually limited, that she has urinary and bowel control problems, that she has been sexually abused, that she is happy and bubbly and loves to run around.

But this sheet of paper and that brief description does not give us any kind of mental image about what kind of person Lynette really is, and it certainly provides no compelling reason to adopt Lynette. I would like you to compare that one-page description of Lynette with the following one and a half minute video presentation that we have put together on the same child.

Would it be possible to turn it around so the Senator could see it?

Hopefully, it was not erased by metal detectors.

[Videotape shown.]

Voice of Mr. Carlisle. "How come you are so happy all the time? You have a smile on your face 24 hours a day.

"Because she is so happy, so bubbly, so loving, so eager to please, Lynette in many ways would be an extremely easy child to adopt. Plus, she has only been in foster care for a year, so she hasn't gotten as hard as some children do when they spend years in foster homes.

"Lynette has a limited I.Q., so although she is nine, she functions at the level of a five-year-old. But she has a lot of potential.

"What is that?"

Voice of Lynette. "A bird."

Voice of Mr. Carlisle. "A big bird. How about these guys?"

Voice of Lynette. "Elephants."

Voice of Mr. Carlisle. "Yes. How about that guy?"

Voice of Lynette. "Tigers."

Voice of Mr. Carlisle. "What's that?"

Voice of Lynette. "A, B, C, D, E, F, G."

Voice of, Mr. Carlisle. "Believe it or not, this sweet, little, innocent girl was horribly abused by her biological parents. That's why she was taken away.

"Are you over that now?"

Voice of Lynette. "Yes."

Voice of Mr. Carlisle "Are you ready to get on with your life?"

Voice of Lynette. "Yes."

Voice of Mr. Carlisle. "But you need one more thing to do that."

Voice of Lynette. "Yes."

Voice of Mr. Carlisle. "What is that?"

Voice of Lynette. "I don't how."

Voice of Mr. Carlisle. "A mommy and daddy?"

Voice of Lynette. "Yes."

Voice of Mr. Carlisle. "How would you show them you loved them? What would you do?"

Voice of Lynette. "Hug them."

Voice of Mr. Carlisle. "You would?"

Voice of Lynette. "Yes."

Voice of Mr. Carlisle. "Would you want them to hug you?"

Voice of Lynette. "Yes."

Voice of Mr. Carlisle. "And kiss you?"

Voice of Lynette. "Yes."

Voice of Mr Carlisle. "You are a pretty affectionate little girl, huh?"

Voice of Lynette. "Yes."

Voice of Mr. Carlisle. "Bringing Lynette into your home would be an extremely rewarding experience for her and for you. For information on adopting Lynette, phone 532-1898 during business hours."

[End of videotape.]

Mr. **Carlisle**. Now, Senator, I would submit that a presentation like that, compared to this one-page description we have of Lynette. is certainly a much more compelling reason to adopt a child.

For the past 3 years at our TV station—I work for a TV station—we have been preparing and airing video presentations of these so-called unadoptable children, and to date, 8 out of every 10 of these children have found loving, caring, permanent homes.

I am proposing today that you use Federal resources to establish a national video library of the tens of thousands of special needs children who are available for adoption, yet who are languishing in foster care right now. That library could be available to State social service agencies, adoption exchanges, adoption agencies, church groups, even PTA's.

Use of the visual medium is simply a basic part of the way we live. This proposal is not radical or futuristic. It simply brings the issue of special needs adoption into a forum we can all relate to.

By taking this one simple step, you could give real meaning to the lives of thousands of young people who feel unwanted and abandoned, and indeed they are.

It does not solve the basic problem of why these children do not have moms and dads right now, but it does take care of their immediate needs, and namely, that is a permanent family.

You have the power to do this, and when you think about it, is there anything more important you can do than finding loving, caring permanent homes for these children who so desperately need them?

It sounds like a weird proposal, asking the Federal Government to begin a video library on children, but I would submit to you that the Federal Government is already involved in presenting a number of visual things to the entire United States. For instance, every Christmas, NORAD sends us film of the plotting of where Santa Claus goes, for us to run on our Chirstmas Eve newscast. I would claim if the Government can use resources to do things like that, the Government could certainly use resources to do something like this.

The problem that I think we are dealing with here is not that there are not families out there who want to adopt these children, but that the families do not know these children exist, and certainly have no way of meeting them on any kind of basis except through a written statement in an adoption exchange book, and I would submit that this would be a much more effective way of connecting parents, prospective parents, with the children who need the parents.

[The prepared statement of Mr. Carlisle follows:]

Written Statement by
Randall Carlisle

IDENTIFYING THE PROBLEM

If one child in this country grows up without parents when he or she could have a mom and dad, it is unfortunate. When the numbers grow to dozens or even hundreds, it becomes alarming. But when the figures reach the tens of thousands it becomes a tragedy, a national tragedy for which we all share part of the blame.

There are literally tens of thousands of "special needs" children in the United States. Children who, because of race, age, or handicap, are deemed undesirable for adoption. These are children who are human beings with needs like all of us; the need for love, the need for guidance, the need for caring, compassion and understanding; the very basic need for a mother and father. Yet these are children whose needs aren't being met because most people don't even know they exist. Many of these children will languish in foster care until they are 18 and then they will be released to face the world alone.

In America we claim to place a very high value on human life. We claim to treat people with respect and dignity, yet we fail miserably when we deal with our abandoned young.

These are children who were given up by their parents and apparently aren't wanted by anyone else.

These are children taken away from their parents because of severe abuse.

These are children who had no choice in their fate.

These are also children spread over the entire United States and that's why it becomes a national problem with solutions only available at the Federal level. It is a problem never adequately addressed by anyone at any level and this committee would be an ideal place to begin.

BACKGROUND

I am not a social worker, adoption expert, psychologist, phychiatrist or lawyer. I am a television reporter/anchor for KUTV, the NBC Affiliate in Salt Lake City.

For three years now I have been responsible for a weekly feature we call "Wednesday's Child". It is a two minute segment which runs on four different newscasts every Wednesday. Each week we meet a special needs child available for adoption. Of the 146 children introduced so far to our viewing audience, 124 have found permanent, caring, forever homes.

I took the time to know each of these 146 children from ten different western states. I know their problems and their needs. I have observed the "system" in each of these states and the problems with the "system". I have also met many of the parents who opened up their hearts and their homes to these young people in need.

By profession I may not be an expert, but through experience I am certainly qualified to share with you some observations and possible solutions as you examine barriers to adoption.

THE MAIN BARRIER - PUBLICITY

The vast majority of Americans are unaware of the existence of special needs children. They are certainly unaware of the enormity of the problem and definitely unaware of the fact that these children are available for adoption.

The Federal government makes sure we are aware of the dangers of smoking, drug abuse and venereal disease. Federally produced public service announcements let us know that we can obtain Federal information pamphlets by writing to Pueblo, Colorado. Until recently we were shown the advantages of serving in the military, now they are paid commercials. At no time in our lives has the government ever tried to publicize the fact that there are tens of thousands of lonely souls across our country who are literally begging to be adopted.

The most effective information distribution system to date in dealing with special needs children has come from the various adoption exchanges around the country. They basically print catalogues that feature a small black and white photo of the child and then a brief description.

I submit to you a page from the Northwest Adoption Exchange describing a child named Lynette and also a videotape of that same child as we featured Lynette on our "Wednesday's Child" program.

I ask you to compare the two in terms of the effectiveness of achieving the ultimate goal: the adoption of that child.

(view videotape)

SOLUTION - EFFECTIVE PUBLICITY CAMPAIGN

Without sounding sarcastic, most of you wouldn't hold the jobs you do without the effective use of the visual message. You've learned which pictures best portray the image you wish to convey. You've learned which clothes support that image. Most of you are experts in using television cameras to your advantage.

This is an age where we sell everything from politicians to soap with a visual message.

Why can't we use that same expertise to sell needy, unwanted children? That may sound like a cold unfeeling question, but I would claim it is simply facing the realities of the situation.

To date nothing has worked very well as a real solution to this problem; nothing except a visual portrayal of a child in need. If states could boast of a success rate like our "Wednesday's Child" program, we wouldn't have the tens of thousands of children we do in foster care.

I propose that the Federal Government create a national video library of children waiting for homes. A library which would be available to adoption agencies, church groups, P.T.A.'s, etc.

Instead of reading a one page description of a troubled child, prospective parents could actually meet a child in a multi-dimensional setting.

Again I ask you to read the following description from an adoption group and then watch the visual presentation of that same child. You judge which is more effective .....

(view videotape)

A program like this would be a major undertaking, but the value of such a program is immeasurable.

We have helped more than a hundred children in one region of the country rebuild their shattered lives. Our program is obviously limited in scope. You could help tens of thousands of children mend their troubled lives and become whole human beings again.

It is a bold proposal for what can only be called a national tragedy; but when we are dealing with human lives, isn't it time we try something that stands a real chance of solving the problem?

OTHER PROBLEMS

All other barriers to adoption pale by comparison to the lack of publicity, but I will mention two more I have observed in the course of this program.

You, more than anyone else, have heard complaints about bureaucratic red tape, yet is is something extremely counterproductive to the goal of adoption.

When we have featured special needs children and have found qualified, deserving parents; the time frame in which these two actually got together has varied from two weeks to a full year.

A case in point is a young girl named Amber who, at best, will always be a baby. Please consider her story on videotape.

(view videotape)

A qualified couple was found in St. George, Utah, but they didn't adopt Amber for a year because the state which had custody of her took that long to process the paperwork. The adoption process is totally dependent on the whims, caseloads, and procedures of each social worker and department. Certainly some uniform federal procedure could help avoid a travesty like this.

It is hard enough finding parents who want to adopt these children without putting them through such a long, arduous process....

The final adoption barrier I have observed is the unexplainable period that exists from when a child is relinquished by his or her parents and when he or she is finally put up for adoption.

Many children we have met have languished in foster care for years. Some of them have literally lived in dozens of foster homes and quite often this makes a child impossible to adopt.

It is human nature to avoid the pain of separation and many of these children have become professionals at avoiding that pain. They reason that if they never become attached, then they never suffer the hurt of separation. Many of them become so adept at this that they become "unbondable". They are incapable of ever feeling the true love and closeness necessary for a meaningful child-parent relationship.

The system does this to them, they don't plan it that way. A uniform regulation could take care of this barrier which is cruel at best.

SUMMARY

You have the power to deal with these problems. We often hear that our young people are our future. If that's true, can we afford not to take care of a large group of human beings with such a desparate need?

They can either become a constructive, contributing element of our future, or a destructive, costly problem that we ultimately must deal with.

Lynette Ohland
D.O.B. 2-26-76

Lynette is a 9 year old intellectually limited girl that has been in foster care since April 1984. Lynette has an I. Q. of 56 and functions at about the 5 year old level. She is in special education class, works hard, has good attendance and enjoys school. Some things she is currently learning in school are writing her name and address, sight reading words (she knew 33 in November 1984) and counting to 100.

Lynette is a happy, bubbly child that loves to run around. She enjoys playing school and talking on the play phone, swinging on the swing set, listening to stories, riding her bike with training wheels and playing with her Cabbage Patch doll.

Lynette does best if she is not pushed or hurried along. She likes to look nice and can be very generous.

Lynette has occasional problems with urinary and bowel control especially if she thinks she is in trouble or is under stress. Lynette also has to be carefully supervised due to occasional inappropriate sexual behavior with younger children. It is felt that with appropriate counseling these behaviors (behaviors resulting from long term sexual abuse) will change.

Lynette wants to be settled in a permanent home and is truly looking forward to her own adoption.

Ruth Nichol
503 378-62
680 Cottage
Salem, OR 9

MECHILLE

Mechille is a 10 year old girl (b. d. 9-16-74) who has spent most of her life in foster care. She has been returned to one or both parents on about 7 occasions and they have failed to provide for her. Both parents have extensive criminal backgrounds and are presently incarcerated. The mother has a history of drug usage. Mechille suffered neglect and physical abuse while at home with her mother and was never liked by her mother. She was taught to shoplift and lie by her mother. She is of average intelligence and could probably function higher if it were not for her emotional problems. She is a sad, angry, frustrated and oftentimes withdrawn girl who does not trust adults and does not have many friends her own age. She is impulsive and easily distracted. She will steal and lie at home and wets the bed profusely. She enjoys younger children for short periods of time but always wants to be the boss. She needs lots of attention and firm rules with consequences for not following through. She will test most adults as she does not believe she is lovable. She has been moved from foster home to foster home on numerous occasions and does not believe that anyone will keep her.

Caseworker.....Sharon Gustafson 378-6224
Marion Childrens Services Div.
680 Cottage St NE
Salem, OR 97303

Senator **Hawkins**. Thank you.

Are you supportive of legislation that provides families with a tax deduction for legitimate adoption expenses?

Mr. **Carlisle**. That has already happened to a great degree, and I think that was one of the problems that I have noticed. We have done about 150 children over the past 3 years, and we go on television saying there is this dramatic need for these children to find homes, and then parents are finding out that it will cost anywhere between maybe $300 and $1,500 to adopt a special needs child, and they say, "Why? Why should I have to pay when there is such a huge need here?"

And I think that legislation at least providing a tax incentive for doing that has diminished that problem to a great degree.

Senator **Hawkins**. You have to pay attention to the tax program; they change it often up here.

Mr. **Carlisle**. I think if the program were changed, and that kind of deduction were not provided in the overall new tax package that is being talked about, it would certainly be a hindrance to special-needs adoption, because it seems incongruent to me to ask a family to take a child into their home for the rest of their lives and provide care and love for that child, who already has a lot of problems, and then say you have to pay for the privilege of doing that, when in fact, they are taking the child off the tax rolls of either the State or the Federal Government when they do that in the first place. So I would say that would be pretty counterproductive to eliminate that tax incentive.

Senator **Hawkins**. How do you choose the child that you are going to show on "Wednesday's Child"?

Mr. **Carlisle**. We phone various adoption exchanges and agencies in States throughout the Inter-Mountain West, and we deal with about 10 separate States. We ask them if they have special needs children available for adoption who have not been adopted so far. So the ones you see on our TV programs are the ones who have probably been in foster care the longest and who have the slimmest chances of finding homes—yet, 8 out of 10 of the ones that we have put on the air have found homes.

That says to me that there are people out there who want to adopt them; they just do not know about these children, because these children have been in foster care for so many years, and then when they see a program like this on television, 8 out of 10 of the children do find homes. And that says to me it is a communication problem more than anything else.

Senator **Hawkins**. In your testimony, you stated that a major barrier to special needs adoption is the bureaucratic redtape. It often causes a waiting period of a year or more from the time a family requests a child until an available child is found. Is it because of inefficiency in government, or lack of training, or that State laws hinder the procedure?

Mr. **Carlisle**. Our experience in dealing with so many different States is that the final decision—or, the major input into a final decision on which child goes to which family and how soon they go is still left up to the individual social worker who has custody of that child, or who has that child's case. If that individual social worker has 100 of these children and a very heavy caseload, sometimes they just do not get around to it for several months, or even up to a year as was our experience.

So I would say it is not because of any laws that exist. Maybe it is a lack of laws that exist right now in terms of dealing with a timeframe. But it is still very much left up to the individual person who has that child's custody at that point in time. And if they are busy, then they are busy, and that child does not go to a home even though a home has been found for that child.

Senator **Hawkins**. Does your station pay for the cost of broadcasting the child we just saw?

Mr. **Carlisle**. If we have to travel to film the child, that cost is borne by the station, and then we play these segments within our newscasts, so it would not be replacing a commercial, so I guess it does not cost us anything at that point in time. But we devote about 2 minutes per newscast every Wednesday.

Senator **Hawkins**. During prime-time viewing?

Mr. **Carlisle**. Right, our 10 o'clock news, which is our big newscast in the West. Two minutes is a pretty healthy segment. If you have checked out any television newscasts, very few stories get much more than 2 minutes. So we put some pretty heavy emphasis on that.

Senator **Hawkins**. Is there any barrier that you can think of to having private industry sponsor these broadcasts?

Mr. **Carlisle**. It is just such a widescale problem, and it is spread over the entire United States, that I just have trouble believing that any kind of private industry could handle getting all these children on videotape that exist. I mean, I have heard estimates ranging between 50,000 and 100,000 children. I mean, we have done 150 in 3 years. When you talk about 50,000 children that is a massive project to undertake. But if you could put most of these children in homes through that project, I think the project would be worthwhile. But I am not sure that any kind of private enterprise, be it a TV station or a network or a private video company, could handle something that massive. And I really believe that perhaps only the Federal Government could. And I do not see this as a Federal intrusion in terms of States' rights in terms of how they handle their own adoptions, but I see it as a step toward communicating the fact that these children exist throughout all the States, because if I live in Utah, it is very easy for me to adopt a child in Washington or Wyoming; there is very little paperwork involved.

So, by setting up some kind of national program like this, a person in Utah could see a child who needs to be adopted in, say, Washington, DC, and it would be a simple procedure then to adopt that child, and people all over the country would be aware that these children exist then. And they are not right now.

Senator **Hawkins**. That is a great program.

Senator Dodd, do you have any questions of Mr. Carlisle?

Senator **Dodd**. Well, first of all, Madam Chairman, I have an opening statement that I would ask unanimous consent to place in the record if I could, and I would like to commend the witness on that last suggestion and comment. I think it is an excellent idea. You obviously need a little more work to determine what the——

Mr. **Carlisle**. I am not a legislator, but I think it is a good idea.

Senator DODD. Well, we get an awful lot of good ideas from people who do not fall into that category; in fact, the best ones come from people who do not fall into that category.

But the whole idea of having a national library—because I think it is part of the problem. We have stations in Connecticut that do the "Wednesday's Child." Some of our anchorpeople in the State really go out of their way, specifically taking a lot of time to develop that segment of programming each week to talk about a child in the State. But I think if we could develop a national library where that becomes available to various stations and so forth, not only do you raise the opportunities and the possibilities of the special needs child finding a very happy home, and a parent or a set of parents or a family having their lives enriched by having that addition come into their lives, but you do also educate significantly, because obviously, the overwhelming majority of people will not be adopted. But the fact that they are aware of these children, that they exist, and that they have a need for some love and some care, I think really would do a tremendous amount to raise the level of awareness, and I think that concept is an excellent one.

Mr. CARLISLE. I think the problem, Senator, is that there are maybe 50 TV stations across the country at best that do something like this. And when you are dealing with a segment of the population as large as 100,000 children, even if all 50 TV stations were successful every week, you are still making a very small dent in that, and that is why I think there needs to be some kind of larger program, because it works at each of those TV stations and in each of those States, but it is just not large enough to really solve the huge problem.

Senator DODD. Are you with an ABC affiliate?

Mr. CARLISLE. NBC.

Senator DODD. An NBC affiliate. The station in Connecticut that does it is an ABC affiliate. But I would suspect that you might find more stations willing to run the programming provided they did not have to actually make the expense of having someone, a salaried employee, going out and spending the time, and a crew, doing all the work to develop the footage for that each week, that one segment.

Mr. CARLISLE. That is quite possible. We involve about three to four people and about 10 hours of work for that one 2-minute segment, so it is a major expenditure.

Senator DODD. It is a considerable investment.

Mr. CARLISLE. Sure.

Senator DODD. But if they would be willing to run the programming free of charge, and we could help develop the national library, it is a minor cost indeed if we could raise the awareness.

Mr. CARLISLE. Sure.

Senator DODD. It is a good idea.

The other issue—and I do not know whether you are in a position to comment on this at all—but there is a strong concern I have about the aging process of special needs children. We have a tendency to think of special needs children being at this age group that we see in these pictures here, and that is the age they remain forever. We forget that those little faces start to grow beards and do other things, and get gray hair, because as they get older, and particularly when they turn 18, and they qualify for services and so forth, the problems that parents have.

The great fear that any parent has is outliving their child. But the parent of a special needs child, the fear of outliving that child is profound, because of all the concerns they have about who will take care of them and what happens to them. And I would like to see us at some point, Madam Chairman, spend a little time on that issue of the aging process.

I know of families in Connecticut that would prefer to adopt a terminally ill child than a child who would go through the aging process because of that fear.

I do not know if you have any suggestions or comments on that particular aspect of this, but I think it is a very important point that we need to touch on in the whole question of adoption.

Do you have any comments or discussion?

Mr. **Carlisle**. Not really, no. I would have a comment on the aging process of these kids available for adoption and the problem that we have noticed is that many of them are in that late teenage bracket that you were talking about, and they have been available for maybe 7, 8, 9 years, and at that point in time, first of all, it becomes difficult to find anybody who wants to adopt them after that period of time, and adopting a 17-year-old boy or girl is a tough thing to do. Second, if they have been in foster care and so many foster homes for that many years, it is quite possible that they get to the point where they cannot bond to anybody because they are so used to rejection, and they build up this idea that, "I do not want to suffer any hurt; therefore, I am not going to accept any love, and therefore, I am going to really fight if you want to love me," and it will not work out. And I think that you might consider in this entire adoption issue some kind of mandate that says when a child has been relinquished by his parents, there is only a certain timeframe for finding him or her a permanent home, regardless of how you have to do it, if you have to go on TV or go into the national video library or whatever it be. But we should act on these children a lot sooner than we do, and we would not have as hard a time finding homes for them.

Senator **Dodd**. No question. I would just mention as an ancillary note, my aunt and uncle, Judge Dwyer and Mary Dwyer—my aunt was a teacher for 40 years in the public school system of Connecticut—they adopted two children who were 10 and 11 years old when they adopted them, who had some real serious problems when they adopted them. But because of tremendous care and love and attention—but it was a lot of work, a tremendous amount of work—they are grandparents now and so forth, and doing really well, but what an investment it was on the part of my aunt and uncle. I will never forget the labor. And recently talking to her about it—my uncle has passed away, but my aunt is still alive—and the tremendous strain and heartache, going through it with adopting older children, again, a major area.

I thank you for being here today, and I really thank you for your suggestion on the video library. I think it is an excellent idea.

Mr. **Carlisle**. Thank you.

Senator **Hawkins**. I thank you also, Ron.

We will call our next witness, Ms. Dorcas Hardy, Assistant Secretary for Human Development, Department of Health and Human Services, Washington, DC.

I would like to state for the record that Senator Humphrey was here earlier, and because the hearing was delayed, he was unable to give his statement. As we know, he is the founder of the Congressional Coalition on Adoption, and his work is outstanding in this field.

Do your parents still live in Florida, Dorcas?

Ms. Hardy. Yes.

Senator Hawkins. Everybody's parents live in Florida.

Senator Dodd. She does not want to know if they live in Florida. She wants to know if they vote in Florida. [Laughter.]

Ms. Hardy. They both work and live in Florida.

Senator Hawkins. Those are outstanding parents.

Please proceed with your statement.

STATEMENT OF DORCAS R. HARDY, ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, WASHINGTON, DC

Ms. Hardy. Yes, thank you, Madam Chairman.

It is really a real honor and an opportunity for me to be able to testify today on adoption of children with special needs.

I think many of you know that I have had the privilege of leading the Department's special needs adoption initiative for the last couple of years, and we believe that we have done quite a good job, and we have been able to recognize and encourage the efforts not only of adoptive parents, but also of adoption workers, public and private agencies, State administrators, judges, corporate leaders, volunteers, and the media, as Randy Carlisle suggested, all over this Nation. In fact, I have traveled to almost all of the States with the message that children who wait for a home need to have that home, and we do understand that there are still a few barriers left to adoption, but I believe that many of them have been knocked down. And with the interest of this committee, and with all of us throughout the country, I think we can even make greater progress.

As you know, at the Federal level, we have the Title IV-E Adoption Assistance Program which has been very helpful to this effort. The monthly number of children receiving IV-E adoption assistance is now at about 14,000. In 1981, when the law first came into effect, that was 289 children. So we believe we have seen through the implementation of the Federal program also that the States have increased their use of State subsidies.

We have made some tremendous strides in terms of decreasing the number of children who are in foster care. Our figures estimate about 500,000 children in foster care in 1977 and about 243,000 currently.

While we have fewer children in care than we had a few years ago, we are finding that these children are more likely to be special needs children, and that we do need some extra efforts to get them adopted and to get them in a permanent situation, whether it is to return home or to get them adopted.

We have some proposed legislation, S. 1266, that we believe will help States reduce the number of children who are in foster care, and moderate the increase in cost of the foster care program and make some other program improvements, such as making sure that Medicaid eligibility is extended to every child, regardless of the State in which they reside or when they move.

I would like to highlight our adoption initiative, and you will hear more about it by the witnesses who follow me. Basically, we have had a real emphasis on public and private efforts; public awareness, recruitment of families, and also linking up with not only the corporate sector, but the important organizations throughout the country, especially those who deal with the developmentally disabled.

One of the most successful efforts has been the One Church, One Child Program, which was started by Father George Clements of Illinois, and the Illinois Department of Children and Family Services, particularly Gordon Johnson, and you will be hearing from them shortly.

Let me just say that they have been able to double the number of black children who have been adopted in Illinois in just the past couple of years, and it just shows to me that there is a real commitment on the part of one individual and his whole board, in terms of the One Church, One Child Program that we can collectively make a difference.

Some of the other States that have been very forceful in this effort include Florida. Their Advocacy for Black Children project recruited parents using similar techniques to the One Church, One Child Program where at least one family in that church adopts one child. We expect this year to place an additional 100 black children through this project just in Florida alone.

In Utah, the Department of Social Services has been working very much with the developmentally disabled children and with that whole community in placing needy children throughout the State, and I think that is very important and certainly, Mr. Carlisle referred to some of those children.

The Connecticut Department of Children and Youth has also been concentrating on black adoptions and expects to increase that by 50 percent this year—again, the one church, one child format, and the father we have sent around the country, that has been a very successful effort.

Illinois, I think, will speak for themselves, but I believe that they really are in the forefront of the States that are doing a very good job in this area.

Ohio has done some really increased work in terms of placement of black children, of developmentally disabled children, and they have a goal just this year of increasing placement by another 30 children.

There are lots of examples like that that we could go into for all of the States.

One of the things that I think is important is to also look at the National Adoption Exchange, which has a nationwide significance. This is an exchange that we have participated with, and they have registered more than 2,800 children at the exchange and more than 2,000 families around the country. We have seen that they have placed almost 1,000 children and matched those children with those families—and that is nationwide. The exchange has really done a very good job, and they also have been very active with the corporate sector. They have a new booklet that identifies adoption benefits plans. We have over 40 corporations in this country that provide adoption benefits, and we think that has been very successful, and that number certainly will increase.

We have also gotten a lot of support from the private sector, not only in terms of the benefits, but also in use of company newsletters and in company videos and photo listings of children who are available for adoption.

In addition, as Mr. Carlisle told you, we have more than 80 television stations and more than 50 newspapers throughout this country that feature a "Wednesday's Child" program, or Thursday's Child, whatever, and the adoption rate, as has been the case in Utah, is the same around the country, of more than 80 to 85 percent of the children who are featured are adopted. We have found that to be an extremely helpful vehicle.

Our partnership also extends to very important judiciary and to the volunteers. The court-appointed special advocates program, which is what I call a very trained volunteer program throughout the country, has been very helpful, articulates that best interests of that child, and works with that child when they are going through court proceedings. The Department of Justice, we have worked closely with them on being supportive of both the National Council of Juvenile and Family Court Judges, and the court-appointed special advocates program.

There is lots more we could say, but I would just like to mention two more in closing to you. One is that when the administration put out the comments, or the Federal Register announcement of the Baby Doe regulations, we received, as you may remember, more than 116,000 comments, mostly very supportive of the Baby Doe regulations from around the country.

I took those responses and wrote back to those people, and not only thanked them for their comments on the Baby Doe situation, but also asked them that if they were that concerned about our Baby Doe children in this country, I knew that they must be friends of children. And I have received back from them over 4,000 more letters saying either, We would like to adopt, we would like to do something, we would like to be interested, we would like to really join the bandwagon around this country and get involved with adoption.

So we are now writing back to those people and distributing with them a new brochure that will be available today, which basically tells them how they can get involved. we say there are about 10 ways, only 1 of which is to adopt your own child. There are nine other things that you can do, and we will take any of those.

So we really think it is a very coordinated effort, and it is something that is really exciting.

And in addition, Senator Hatch and I, in conjunction with 11 cosponsoring organizations, have invited representatives of dozens of national organizations to join us after this hearing and to see what everybody is going to do. Those who have been active, will they continue to pledge their support to this cause, and those who have not, I would really like to have a commitment from them, and to raise everyone's consciousness that we do have children, they are American children, and they deserve to have a home.

The philosophy has clearly been that permanency planning is the most important, and that children do grow better in families.

Thank you, Senator.

[The prepared statement of Ms. Hardy follows:]

PREPARED STATEMENT OF DORCAS R. HARDY

Mr. Chairman and members of this Committee, thank you for the opportunity to testify on the adoption of children with special needs. As you know, for the past three years, I have had the privilege of leading the Department's National Special Needs Adoption Initiative to increase public awareness and to find homes for waiting children.

During this time, I have had the opportunity to meet hundreds of children with special needs and to recognize and encourage the efforts of adoptive parent organizations, adoption workers in public and private agencies, state administrators, judges, corporate leaders, volunteers and the media all over the nation. In fact, I have traveled to 33 states with the message of children who wait for a home, and I have visited some states more than once. Although I know that there are still many barriers to adoption, I also know that many barriers in many communities have been knocked down--because people care and work together. I know of this Committee's considerable interest in waiting children and it is a special honor to make this report to you today.

My testimony will cover three areas:

o First, a brief review of the legislation which authorizes our federal efforts;

- Second, a review of our latest figures on foster care and adoptions; and,
- Finally, a report on the outstanding work which is being done by the states and private agencies, with federal encouragement, and the growing response of the corporate sector to help meet the needs of children who deserve a permanent home.

Legislative Background

The first federal legislation specifically dealing with adoption was title II, Adoption Opportunities (P. L. 95-266), passed in 1978. That law, as amended by the Child Abuse Amendments of 1984 (P.L. 98-457), mandates a number of activities to promote the adoption of children in foster care with special needs, that is, children who are school age; emotionally, physically or mentally handicapped; members of minorities; or brothers and sisters who should be adopted together.

That legislation, and the activities which were carried out under it, helped pave the way for the Adoption Assistance and Child Welfare Act of 1980 (P. L. 96-272). This landmark legislation made "permanency for children" our national policy.

Simply stated, permanency for children means that, if possible, children should stay with their birth parents; if they are already in foster care, they should be reunited with their birth parents; if children cannot stay with or be returned to their birth parents, they should be adopted.

P.L. 96-272 provided for federal reimbursement to the states for adoption subsidies to special needs children eligible for Aid to Families with Dependent Children or Supplemental Security Income. Thus, for the first time, the federal funding policy encouraged states to place children in adoptive homes rather than keep them in foster care if they could not return to their birth parents.

The title IV-E Adoption Assistance Program has been extremely successful. We estimate that the average monthly number of children receiving Title IV-E adoption assistance is 14,000 in FY 1985, and by FY 1986 that figure is expected to increase to 18,000, up from only 269 children in FY 1981. It also appears that since the implementation of the federal program, the use of state subsidies has increased as well. Between 1981 and 1983, there was a 65 percent increase in all subsidies, state and federal. We believe that the use of adoption subsidies is making it possible for more and more people to adopt children with special needs and we are encouraged by these figures. Because of the subsidies -- and because of changing attitudes about the necessary characteristics of adoptive parents -- foster parents, single parents, older couples, couples with biological children and many others are now considered as parents for children who would otherwise have no permanent home.

The tremendous efforts of the states and the federal government to move or keep children out of foster care is best demonstrated by the rapid decline in the number of children in care -- from over 501,000 in 1977 to 243,000 children age 18 or under in 1982. Our latest data from the Voluntary Cooperative Information System administered by the American Public Welfare Association indicate 269,000 in 1983, a count which includes young people to the age of 21.

While we have fewer children in care than we had a few years ago, we are finding that the children are more likely to be those who have special needs. As examples:

- The mean age of children in care went up from 9.6 years in 1977 to 11 years in 1983;

- About 22 percent of the children are handicapped, up from 19 percent in 1980;

- 46 percent of the children are minority children--black, Hispanic and Indian--up from 38 percent in 1977. 55.6 percent of black children have been in care for 2 years or longer compared to 36 percent of white children.

Many of these children can never return to their biological parents, and for them, adoption should be the plan for permanency. Of the total number of children in care, we estimate that 54,000 children are legally free for adoption. This includes 18,000 children already in adoptive placement waiting for the adoption to be final, and 36,000 children legally free and waiting for a home.

These special children require special efforts by all of us to move them into permanent adoptive homes.

Proposed Legislation

I would like to elaborate for a moment on the Administration's proposed amendments to the foster care and adoption assistance programs and how they address some of the barriers to adoption. These amendments, introduced on June 10 as S. 1266, will help states reduce the number of children in foster care, moderate the increase in costs of the foster care program and make other program improvements. There are two provisions in particular which I believe will improve the adoption assistance program. One of these addresses a problem in implementing what we believe is the intent of the original legislation. Since many "special needs" children need the support of extensive medical services, children who are adopted under the title IV-E Adoption Assistance program are thereby deemed eligible for medical assistance in the form of Medicaid.

The difficulty lies in instances where the adoptive parents move to another state. The adoption subsidy payments continue, as does the child's Medicaid eligibility -- but the eligibility is guaranteed only for the original state of residence. In these cases, adoptive parents may not be able to find medical providers willing to accept an out-of-state Medicaid card. The uncertainty of continued Medicaid coverage if the family were to move may prohibit or discourage some families from adopting special needs children. It certainly causes difficulties for those families led to expect continued medical support.

We are therefore proposing that children for whom a title IV-E adoption assistance agreement is in effect be eligible for Medicaid in the state where they reside. We believe that this assurance of Medicaid eligibility will further enhance the effectiveness of this program by making sure that medical services continue to be available for those IV-E children who need them.

A related proposal will eliminate the requirement that an adoption assistance payment must be made in order to assure a child's Medicaid eligibility. Some children need only Medicaid coverage; their adoptive parents do not need payments for routine subsistence maintenance of the child. However, the child's handicap may be so substantial that without medical coverage, the potential adoptive parents cannot afford to adopt the child.

This has forced some States to make token monthly payments of as little as $1.00 to adoptive parents in order to maintain Medicaid eligibility for the child. Thus our proposal would deem children found eligible for adoption assistance (permanently placed pursuant to a final or interlocutory adoption decree), and with an adoption agreement in effect, to be Medicaid eligible regardless of whether or not an adoption assistance payment is made.

Special Needs Initiative - Public and Private Efforts

The states, with encouragement from the federal government through discretionary grant funds and through our national initiative, have undertaken vigorous activities on behalf of children waiting for a home. Both public and private agencies and organizations are a part of this effort. Our focus has included:

- increasing public awareness;
- recruiting families, including minority families;
- linking with a variety of organizations -- such as the network of agencies and services for the developmentally disabled; and
- involving the corporate sector.

The activities of public and private agencies have been extremely successful and I am pleased to report on some of these today.

One of the most successful is the One Church, One Child program which was started in Chicago by Father George Clements, a black priest and adoptive father. The idea -- that each congregation would be responsible for finding a family for at least one child -- has now spread all over the nation, including to rural white and Hispanic congregations. Today you will hear testimony from Father Clements about that program which doubled the number of black children adopted in Illinois in just 2 years. Funding from the Office of Human Development Services to the Illinois Department of Children and Family Services helped promote One Church, One Child throughout the state, and most recently, throughout the nation. Father Clements serves as an example to all of us that the belief and leadership of one man can make a difference.

In addition to the efforts of Father Clements, Illinois has been a leader among the states in reducing the number of children waiting in foster care for permanent adoptive families. Beginning with their media campaign "I Want to be a Son/I Want to be a Daughter" and continuing today with the dissemination of "One Church, One Child" throughout the State of Illinois and the country, Illinois illustrates that commitment and effort work.

In addition, HDS funded One Company, One Kid, sponsored by Cornell University. This project has involved more than 70 corporations and 20 agencies in recruiting families. More than

350 families have been contacted; to date, 28 children have been placed in adoptive homes.

Through our discretionary grants program in Fiscal Year 1984, my office awarded grants to 23 states to promote the adoption of special needs children. In FY 1985, we plan to fund 9 additional state agencies for similar efforts, for a total of 32 active projects.

Many of these state agency projects feature efforts to recruit minority families, to link with other organizations and to involve the corporate sector in adoption activities. Here are just a few examples:

- Florida's "Advocacy for Black Children" project recruits parents through the techniques of One Church, One Child and prepares parents for adoption through TEAM training. TEAM -- Training and Education in Adoption Methods -- was developed by Tressler Lutheran in Pennsylvania and was disseminated nationally through an HDS grant to the North American Council on Adoptable Children. Florida expects to place an additional 100 black children through this project.

- The Utah Department of Social Services is working with the organizations which serve developmentally disabled children to identify and place institutionalized DD children who should be adopted. The state has a history of success in placing special needs children, but this is the first time that DD children in institutions have been tracked and considered for adoption.

- The South Dakota Department of Social Services is forging a partnership with the State Adoption Council, Easter Seals, the State Foster Care Association and the Permanency Planning Task Force for Indian Children to recruit Indian families and to provide respite care, adoptive parent support groups, specialized medical training, incentive assistance and post-placement services for adopting families.

- Three states -- Texas, Arkansas and Louisiana -- are removing jurisdictional barriers to adoption. These states are cooperating across state lines through a tri-state executive committee to place children. Eighty children have been featured on the "Wednesday's Child" program on two television stations. Homes have been found for 60 children, including seven across state lines.

- The Massachusetts Department of Social Services Adoption Project is focused on overcoming barriers to the adoption of minority children through a coordinated effort between the Department and volunteers from the social work and legal professions.The objective is to recruit adoptive families for 90 minority children.

- The Oklahoma Department of Human Services has a project to recruit and train adoptive parents and mental health counselors. Through a subcontract with the Oklahoma Council on Adoptable Children, Public Service announcements will be developed and broadcast statewide.

  Other aspects of the project include the development of a workbook for children preparing for adoption entitled "What Do You Think" and training for counselors in state guidance centers in counseling adoptive families.

- The Connecticut Department of Children and Youth Services has kicked-off a project to increase black adoptions by 50 percent. A statewide coalition of black ministers has been formed. Father George Clements, founder of One Church, One Child, was featured at the kick-off meeting.

- In Illinois, 90 children with developmental disabilities with adoption as the permanency plan have been identified by the Department of Children and Family Services -- and 52 children have already been placed for adoption.

- The Ohio Department of Public Welfare, in order to increase adoption placements for black, mentally retarded and physically handicapped children, is developing a statewide approach by working with public and private child care agencies, adoptive parent support groups, foster care organizations, child advocates and the Developmental Disabilities Council. The goal is to place 30 children.

In addition to state projects, the Office of Human Development Services is also funding projects or encouraging activities of nationwide significance. A major focus in this effort is the establishment of partnerships among a wide variety of people and organizations. One of the major national projects funded by the Office of Human Development Services is the National Adoption Exchange operated by the Adoption Center of Delaware Valley in Philadelphia.

To date, the Exchange has registered more than 2,800 children and 2,000 families from across the nation, and has facilitated the placement of almost 1,000 children. With assistance from its corporate advisory board, the Exchange has also established a national telecommunications network with 13 public and private agencies and state and regional exchanges as members. The Exchange's corporate board has been extremely active in helping this project to expand and move toward self-sufficiency through major fund-raising efforts and contacts with corporations and foundations.

The Department also has a separate grant with the National Exchange to look at who adopts special needs children. The grant will profile adoptive parents and provide information that will assist local adoption exchanges to target advertising and recruitment campaigns.

The Exchange has just recently published a guide entitled "Adoption Benefits Plans: Corporate Response to a Changing Society." This corporate guide, which defines and gives examples of employee leave policies and adoption expense reimbursement plans, has been distributed to 1200 companies and business leaders over the nation. An additional 7,000 booklets are being distributed to the membership of the American Compensation Association.

I am especially interested in creating a partnership with the corporate world to increase awareness and recruit homes for waiting children. There are many things that corporations can do to assist in this effort. In addition to benefit plans, a company can feature waiting children and adoptive parents in company newsletters, can offer in-kind services such as printing photo listing books, can assist in raising funds, and, in addition, company officers can serve on advisory boards of adoption agencies or exchanges. I have had the pleasure of both promoting such efforts and recognizing the companies which have activities underway. Just recently it was my pleasure to present an award to Resort Condominiums International, Inc. for its outstanding efforts in both fund-raising for the National Exchange and in helping set up the telecommunications network.

For the past two years, my office has sponsored, with the North American Council on Adoptable Children, a local observance of National Adoption Week during Thanksgiving Week. I have also encouraged similar observances in our regional offices over the country. Last November our Washington metropolitan area observance was co-sponsored by 14 members of an honorary corporate board with representatives of corporations, the media and national professional and trade associations. Our local observance, held with the cooperation of the Chairman of this Committee, Senator Hatch, included a breakfast in the Capitol for approximately 75 corporate and association officials.

This national partnership on behalf of waiting children extends to the media which have done an outstanding job to help recruit families for waiting children. More than 60 television stations and 50 newspapers now feature waiting children in programs or columns which have such titles as "Wednesday's Child" or "Thursday's Child." Last year my office sponsored a national conference for the media and adoption workers who cooperate to produce these programs. And, over the last 3 years, I have presented awards to dozens of television stations and newspapers for their achievements in recruiting families for children who are among the most difficult in the nation to place. One of these awards went to the KUTV program "Wednesday's Child", which was created by adoptive parent Randall Carlisle who is here to testify today. These waiting child programs and articles help find families for more than 80 percent of the children who are featured.

In addition, a film on special needs adoptions, "The Challenge of Caring," has been aired by cable television stations and seen by hundreds of thousands of people all over the nation. This film, funded by HDS, was a project of the National Adoption Exchange. My office is currently funding Spaulding Southwest, a private adoption agency in Houston, to produce a similar parent recruitment film in Spanish. Spaulding is working with Hispanic families in Houston, Los Angeles and New York City. We expect the film to be ready within a few months and we will continue our partnership with cable television and other outlets in Hispanic communities to reach Hispanic families.

Our partnership also extends to domestic and family court judges and the growing number of volunteers called Court Appointed Special Advocates (CASAs) who are trained by the court to look after the best interests of the child. My office has funded the National Council of Juvenile and Family Court Judges, the National CASA Association, the National Council of Jewish Women and several local communities to encourage the spread of CASA programs in family courts over the country. We are also working with the Department of Justice in this effort. The National CASA Association received one of 18 volunteer action awards announced by President Reagan at White House ceremonies in April 1985. CASAs, now 25,000 in number, are among the fastest growing volunteer group in the nation.

The Department is also encouraging states to pass the enabling legislation and to enter into the Interstate Compact on Adoption and Medical Assistance. The draft compact and draft enabling legislation were drawn up by the American Public Welfare Association under a grant from HDS. To date, 11 states are ready to enter this compact. Secretary Heckler recently wrote the Governors to urge them to promote passage of the enabling legislation in their states and to join the Compact.

One of the major features of this compact is the provision that children receiving title IV-E Adoption Assistance who move across state lines with their adoptive parents will receive a Medicaid card in their new state of residence. Even if the Department's proposed amendment to make a title IV-E child eligible for Medicaid in his or her state of residence becomes law, we will continue to promote the Interstate Compact on Adoption and Medical Assistance. We hope that it will offer a mechanism for reciprocity among states, improve communication among state administrators, provide an official point of contact for interstate cases, and help families obtain social services which they may need in the new state of residence.

In closing, I would like to tell the Committee about two of our most recent activities to recruit families and volunteers and to enlarge the number of organizations which are committed to the adoption of special needs children.

My office received 116,000 comments on the proposed "Baby Doe" regulations. I wrote a letter to the 78,000 whose addresses we were able to determine. This letter explained the national special needs adoption initiative and offered additional information for those who wished to adopt or to volunteer in this effort. To date, we have received more than 4,000 responses requesting additional information.

As a second activity, Senator Hatch and I, in conjunction with 11 co-sponsoring organizations, have invited representatives of dozens of national organizations to a special luncheon meeting following this hearing. During this meeting, we will celebrate the achievements of those groups which are involved in promoting special needs adoptions and we will ask many other national organizations to pledge their support and commitment to our effort.

Through these and many other activities, my office is encouraging all individuals and organizations who have an interest to join in the common goal to respond to the challenge of children who wait for permanent families. It is of utmost importance that we all remember that each of these children is an American child and thus a part of the future of our nation. It is our responsibility collectively and individually to ensure a home for each one -- Children Grow Better in Families.

Again, thank you for this opportunity to tell you about our national initiative. I will be happy to answer any questions you may have.

Senator HAWKINS. Thank you very much.

I want to commend you for your leadership in the area of adoption of children and adoption of children with special needs.

In the administration's proposals on foster care, one proposal includes providing States incentive grants if they determine a child's permanent placement. Do you have any estimate of what that would cost?

Ms. HARDY. We have said that we would provide a dollar amount per child with the States; we can provide some incentive dollars, about $3,000 per child if the child leaves foster care in a quicker period of time, trying to get children moving through the system faster. We see that we still would retain the adoption subsidy, and as I said, we see those going up dramatically. They are probably at about $40 million this year, and they were about $300,000 in 1981, and really, that makes me a little nervous. But I believe that those children deserve to have that subsidy until that age of 18.

So, we see that there is an important proposal there to promote the kids moving through the system, to have that better incentive for the States.

Senator HAWKINS. Would the need for the Interstate Compact on Adoption be eliminated by the Medicaid provisions of the proposed foster care amendments, if passed?

Ms. HARDY. No. We think it is a joint effort. Clearly, we see that in the legislation. If it is in the law, it is going to be there tomorrow, so to speak. We have, I believe, 14 or 15 States now, and we will see more coming onto the compact, and I think that still facilitates exchange among States and is broader than just the Medicaid piece, in terms of better rapport between the States.

But the most important of that is the Medicaid, to make sure that that follows that child, regardless of where he lives. So we would like to have it in the law, as well as keep moving in the positive direction of the compact.

Senator HAWKINS. As you know, over 40 companies now provide adoption benefits, including cash assistance and leave policies. Would you elaborate on the way in which we as legislators could encourage more involvement by the private sector?

Ms. HARDY. Well, I think there are several ways. One is, I would like to see even broader distribution than the 1,200 companies that the Adoption Exchange has contacted with their adoption benefits booklet; I think there is an educational process there that needs to go on with even more companies. And second, we anticipate having conversations with the Office of Personnel Management, in terms of the Government being a large employer, and us looking at that, or having discussions with them about that. I think there are other large employers like that that we need to reach out to in particular States throughout the country.

Senator HAWKINS. Senator Dodd.

Senator DODD. Thank you, Madam Chairman.

At the outset, let me just ask you, if I can, Ms. Hardy, about your data. Are you satisifed with the data base you have on the declining figures on foster care children in America?

Ms. HARDY. We have been using the voluntary information system through the American Public Welfare Association. I feel pretty comfortable about it. I know that there is a lot of controversy. We are following up that—we are talking to the National Council of—not the juvenile family courts, but the State courts—to try to start to work with them in getting even better data in terms of adoption figures.

Senator DODD. So the data you cited here today, the drop from 500,000 in 1977 to 243,000 today, comes exclusively from that one organization?

Ms. HARDY. That organization has input from all 57 jurisdictions throughout the country, so that is the collecting body; yes.

Senator DODD. The reason I raise it at all is because Chairman Hatch in his opening statement talked about an increase in the number of foster care children. I do not know what his data base is, either, but maybe it is an increase over 243, rather than somewhere in between. But you point out there is a need to develop a better data base on this issue.

Ms. HARDY. Yes, in terms of where we are in terms of adoptions and in terms of where we are in terms of the number of children who are legally free for adoption, and we feel that we are going in that direction.

Senator DODD. OK. Let me mention an idea to you. I do not know if you heard me mention this whole question of the aging process, which I hope, Madam Chairman, maybe in the fall, we might have a morning where we——

Senator HAWKINS. Is that "m-o-u-r-n-i-n-g"?

Senator DODD [continuing]. Maybe sometime this fall, we might get some witnesses in to talk about the aging process in the special-needs children.

The reason I bring it up—and I would be curious to hear your comments on this—most States, when the child has been adopted or in foster care, there is one State agency that is used to tracking that child. When the child turns 18, the parents in many cases have to go to five or six agencies in order to deal with five or six different social workers to qualify that now adult for the services that they are entitled to. It is really a burden, a tremendous burden, and in many cases, the child is not capable of doing it. And the idea has been raised on a number of occasions about proposing single tracking agencies within the States for special needs children who reach age 18 and qualify for these services, because as I mentioned, it is one of the major problems that parents face when their child does reach that age.

We have had witnesses before this committee—the Rossau family from Connecticut; you maybe know Rachel very well—six of her special needs children are approaching age 18, and she is really getting concerned. I mean, it is a lot of work right now, but it is at a point where six or seven of those children are going to start needing to deal with five or six or seven different agencies in my home State of Connecticut, and it is going to place a tremendous amount of pressure on that family just in the logistics alone.

I wonder if you might have any comment at all on that approach to single tracking.

Ms. HARDY. Well, having been a guest at the Rossau home, and thinking that they are a really super family, I guess the question is is that any different for the fact that those children are adopted than it would be for another family that happens to have two or three handicapped children.

It seems to me that a way that I would counsel her to go would be to be in contact with the Developmental Disabilities Council of the State of Connecticut, which should be that funnel organization anyway for many of her children—not all of her children. And the question is how do we make sure that those services are available to all children, whether they are adopted or biological children.

Senator **Dodd** [conferring with staff]. Well, I guess—and Marsha here is pointing out to me that the problem comes in the impediment to adoption with special needs children—not once they have been adopted, but in looking to encourage adoption of special needs children, that what happens is that parent, thinking not only about the child when they are age 1 or 2 years, but thinking down the road to when that child becomes an adult——

Ms. **Hardy**. As any parents of a developmentally disabled child would think about, correct.

Senator **Dodd**. Sure, right. And so in terms of the impediment to encouraging adoption of special needs children, one of the things that prospective parents get concerned about is the question of what happens when this child reaches age 18, and they are going to have additional needs, and how do they deal with all of that.

So it is not so much the question of natural children who have special needs, but adopted children who have special needs, and encouraging adoption of those children, and being able to say to them that, just as there will be tracking agencies to deal with problems of adoption at one agency, when that child—whether it be a natural child or an adopted child—there ought to be a single tracking agency so that as adults, they can reach the services they are entitled to. That is the point, really, more than anything else.

Ms. **Hardy**. And I think that because of the work that we have done close—and we have got more to do—with the developmental disabilities councils throughout the country, that that linkage there has got to be the place that becomes the support system for that family.

Senator **Dodd**. Does the aging process question come up? I mean, is there a concern in terms of adopting a special needs child?

Ms. **Hardy**. I am more concerned about regardless of disability of a child of 16 or 17, whether or not there are some who say—I do not—that that child should not be adopted because he is going to be of the age of majority soon. So I would look at it more not as a question of disability or not disability, but just looking at that age. The age itself, regardless of disability, is of bigger concern to me.

Senator **Dodd**. Yes.

Ms. **Hardy**. And I think we have tried to work with the States on that, and I think when you hear from the State of Illinois, for example, that they have certainly looked at that issue, and tried to overcome that. There are families out there for all of these children.

Senator **Dodd**. I know. Well, thank you very much for being here this morning.

Thank you, Madam Chairman.

Senator **Hawkins**. Thank you

Senator Grassley has joined us.

Senator DODD. Madam Chairman, if I could interrupt for 1 minute, Senator Kerry has asked that a statement of his be placed in the record, as well, and I would ask unanimous consent that that be included.

Sentor HAWKINS. It will be included at the appropriate place.

Senator GRASSLEY. Madam Chairman, I am going to ask unanimous consent to put a statement in the record. And, since I got here late for Ms. Hardy's comments, I will not bother to question her at this point, but will thank her for her cooperative attitude as we try to deal with this problem.

Ms. HARDY. Thank you, Senator.

Senator HAWKINS. Thank you. You may be excused, and I commend you also.

We will now proceed to the second half of the second panel. Father George Clements, who heads a private sector program entitled "One Church, One Child," in Chicago, IL. We are proud of your efforts.

He will be joined by Mr. Gordon Johnson, executive director of the Illinois Department of Child and Family Services. Mr. Johnson will testify on combining public and private sector initiatives in successful placement of special-needs children.

Father Clements.

STATEMENT OF FATHER GEORGE CLEMENTS, ONE CHURCH, ONE CHILD, HOLY ANGELS RECTORY, CHICAGO, IL, AND GORDON JOHNSON, EXECUTIVE DIRECTOR, ILLINOIS DEPARTMENT OF CHILD AND FAMILY SERVICES, CHICAGO, IL

Father CLEMENTS. Senator Hawkins, I became the first Catholic priest to adopt a child some 5 years ago, and because of that what you might call "notoriety," I became one who was asked quite often around the country, Why is it that blacks do not adopt? Why are there so many black children who are in temporary situations; homeless situations?

I think that the answer has to go back to an institution that we do not like to think about, an institution that lasted for over 300 years here, from 1619 until 1863, an institution known as slavery. Slavery had an extremely devastating impact on black people and still has up until this day.

The only organization that slaves really could look to for consolation was the church, and it was because of the church that we really did not have a problem of homeless black children from 1863 up until the Second World War. The black church nurtured an idea that had come across the Atlantic Ocean, known as "the extended family," and the extended family simply says that the responsibility for homeless children in the black community lies on the shoulders of the black community. It is not the responsibility of the government, whether Federal, State, or local, and it is because the black church continues to lay heavy emphasis on that responsibility that we did not have a real problem.

Now, after the Second World War, we did have a problem, and we still do today. And what my organization is trying to do is place that responsibility back on the shoulders where we feel it belongs, on the shoulders of the black community itself, through the black church, which is, incidentally, the only indigenous institution in the black community, and by that, I mean, it is the only one that we really own. Everything else, we rent, we lease, they let us use. The black church is something that belongs to us, and it is found in every significant black community anywhere in this Nation.

And what my organization simply says is, Let every single black church in this Nation ask its constituency, its congregation, that at least one family in that church would adopt a child. And if this idea catches fire around the Nation as it has in Illinois, we know that it will significantly wipe out homeless children in the black community.

Why is it that there are so many homeless children in the black community? Why is it that black families do not adopt? It is simply because we never really knew what formal adoption meant. We had an informal process where, if a child did not have a home, someone in that community simply took that child in. You did not go through diagnostic testing and screening and social workers, and all the different paraphernalia that the government has erected. What we did was simply take in the children.

And what I say today is that we can still do that if we simply ask this institution, known as the black church, to take this responsibility, which they are only too ready and willing to do.

Finally, what I would like to say is a word of gratitude to the witness that you just heard, Dorcas Hardy, because it was really through her efforts that we were able to get this program started on a national level. We have gone into several different States other than Illinois, and I also have nothing but words of praise for the gentleman who is on my right, Mr. Gordon Johnson, who has worked very closely with us over the years in making Illinois a model State for taking in children who are considered "hard to place."

When we speak of black children as special needs, that is the kind of jargon that you find in the field of bureaucracy. In our community, a black child is not a special need at all. He is just simply the ordinary needs which come up through everyday living, which ordinary everyday people can take care of if the responsibility is placed on their shoulders.

Thank you for listening.

[The prepared statement of Father Clements follows:]

JULY 3, 1985

SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES
WASHINGTON, D. C.

SOME OF US AT THIS HEARING MAY BE OF SUFFICIENT VINTAGE THAT WE CAN RECALL THAT HIT SONG OF YESTERYEAR, "YOU GOTTA ACCENTUATE THE POSITIVE, ELIMINATE THE NEGATIVE, LATCH ON TO THE AFFIRMATIVE AND DON'T MESS WITH MR. IN-BETWEEN."

THOSE LYRICS TAKE ON ADDED MEANING TODAY AS WE ADDRESS "BARRIERS TO ADOPTION." CHILD CARE ADVOCACY IS REPLETE WITH PROPHETS OF DOOM, HARBINGERS OF DISASTER. IF THERE IS ONE FACET OF CHILD CARE THAT ALL SEEM TO AGREE ON, IT IS THAT WE ARE LITERALLY BESIEGED WITH A MULTITUDE OF PROBLEMS ASSOCIATED WITH DEPENDENT CHILDREN.

HOWEVER, I MAINTAIN THAT THE MEMBERS OF THIS COMMITTEE NEED NOT BE CONTINUALLY BEATEN OVER THE HEAD WITH THESE NUMBING PROBLEMS. TODAY I INTEND TO ACCENTUATE THE POSITIVE. OF NECESSITY I MUST TOUCH ON SOME PROBLEMS, BUT I INTEND TO DWELL ON SOLUTIONS.

ALL OVER AMERICA WE ARE BLESSED WITH MILLIONS OF FAMILIES WHO WOULD LIKE TO OPEN THEIR HOMES AND THEIR HEARTS TO HOMELESS CHILDREN THIS MORNING. STEP INTO VIRTUALLY ANY VILLAGE, TOWN, HAMLET, OR CITY, AND YOU ARE CERTAIN TO FIND AMERICANS WHO WOULD LOVE TO ADOPT CHILDREN. IF WE ACCEPT THIS PREMISE OF A PLETHORA OF FAMILIES WAITING AND HOPING TO ADOPT, WHY THEN DOES AMERICA HAVE SO MANY HOMELESS CHILDREN?

THE ANSWER SHOULD BE OBVIOUS. IT IS BECAUSE WE STILL HAVE THIS BEWILDERING MAZE OF OBFUSCATING REGULATIONS AND STIPULATIONS AND GUIDELINES AND NORMS AND STANDARDS AND REQUIREMENTS AND ORDINANCES AND MODIFICATIONS AND STATUTES AND PRECEPTS THAT ARE STRANGLING OUR ABILITY OF SIMPLY PLACING A HOMELESS CHILD WITH A FAMILY THAT WANTS THAT CHILD.

A FURTHER COMPLICATION IS THAT INDIVIDUAL STATES HAVE ESTABLISHED STATUTES THAT ARE PECULIAR TO THAT PARTICULAR STATE. THIS LEADS US TO THE MIND-BOGGLING POSTURE OF ONE STATE'S LAWS FLATLY CONTRADICTING ANOTHER STATE'S LAWS. IN POPULAR JARGON THIS TRANSLATES INTO SOME STATES BEING LABELED "ENLIGHTENED" AND OTHER STATES, "UNENLIGHTENED." WHY SHOULD A FAMILY BE PENALIZED SIMPLY BECAUSE THEY HAPPEN TO LIVE IN AN UNENLIGHTENED STATE AS OPPOSED TO AN ENLIGHTENED STATE.

ACCENTUATE THE POSITIVE! THE UNITED STATES OF AMERICA SIMPLY MUST SET UP FEDERAL GUIDELINES AS DEFINITIVE NORMS FOR EVERY STATE IN THE UNION. AFTER ALL, WE ARE DEALING WITH THE MOST PRECIOUS OBJECT IN THE WORLD, A HUMAN BEING. WE SIMPLY NO LONGER CAN AFFORD THIS CAVALIER ATTITUDE OF ALLOWING OREGON TO GO ONE WAY, WHILE FLORIDA TAKES OFF IN THE OPPOSITE DIRECTION. I AM WILLING TO ALLOW ALL KINDS OF LATITUDE TO THE STATES WHEN IT COMES TO CREDIT BUYING OR INSURANCE NORMS OR REAL ESTATE REGULATIONS OR UTILITY GUIDELINES. HOWEVER, I CERTAINLY AM NOT WILLING TO GRANT THAT SAME LATITUDE WHEN THOSE STATES ARE DEALING WITH THE DESTINY OF THE MOST PRECIOUS OBJECTS ON THE FACE OF THE EARTH - CHILDREN.

ONCE INDIVIDUAL STATES ARE ALIGNED INTO SENSIBLE FEDERAL GUIDELINES, LET US THEN TAKE THE NEXT LOGICAL STEP. A METHOD MUST BE DEVISED WHEREBY WE LINK UP THE HOMELESS CHILD WITH THE FAMILY SEEKING A CHILD - ANYWHERE IN AMERICA, ANYWHERE IN AMERICA! THIS NATION HAS CREATED THE MOST SOPHISTICATED TECHNOLOGY KNOWN TO MANKIND. LET US PUT THAT TECHNOLOGY TO USE FOR HOMELESS CHILDREN.

I AM SOUNDING THE CALL FOR A NATIONAL COMPUTERIZATION OF ALL ADOPTABLE CHILDREN AND ALL PROSPECTIVE ADOPTEE FAMILIES THROUGHOUT THIS LAND. IF WE CAN COMPUTERIZE AIRLINE TICKETS, SURELY WE OUGHT TO BE ABLE TO COMPUTERIZE HOMELESS CHILDREN. NOT ONLY IS THIS ACCENTUATING THE POSITIVE, BUT IT IS ALSO ELIMINATING THE NEGATIVE - ELIMINATING THE ROADBLOCKS THAT HINDER ADOPTION.

SOME WILL FIND IT VULGAR TO LINK THE ALMIGHTY DOLLAR WITH CHILD ADVOCACY. HOWEVER, THE BITTER TRUTH IS THAT COST EFFECTIVENESS IS RIGHT AT THE TOP OF THE PRIORITY ITEMS IN AMERICA TODAY. COMPUTERIZATION OF ADOPTIONS ON THE NATIONAL LEVEL WOULD AMOUNT TO A RESULTANT SAVINGS OF MILLIONS OF TAX DOLLARS.

I AM HOPEFUL THAT THIS SENATE COMMITTEE WILL PROMOTE THIS NATIONAL COMPUTERIZATION OF HOMELESS CHILDREN. MY LONE VOICE CRYING IN THE WILDERNESS WILL NEVER BE HEARD. HOWEVER, A COLLECTIVE ROAR FROM THE MOST AUGUST BODY OF PARLIAMENTARIANS IN THE WORLD WILL RESOUND ALL OVER THIS LAND. LET US ACCENTUATE THE POSITIVE WITH THE MOST SOPHISTICATED TECHNOLOGY KNOWN TO MANKIND, THAT OF THE UNITED STATES OF AMERICA.

IN JANUARY OF 1981, I FOUNDED AN ORGANIZATION KNOWN AS "ONE CHURCH, ONE CHILD." THIS ORGANIZATION TAKES COGNIZANCE BOTH OF THE MORAL SENSITIVITY OF AMERICA'S

BLACK CHURCH GOERS AS WELL AS THEIR RESPONSIVENESS TO THEIR MINISTERS. "ONE CHURCH, ONE CHILD" ASKS EACH CHURCH IN OUR BLACK COMMUNITIES TO ACCEPT THE RESPONSIBILITY OF AT LEAST ONE FAMILY IN THAT CHURCH ADOPTING A CHILD.

SPECIFICALLY, "ONE CHURCH, ONE CHILD" IS ASKING THE MINISTER IN THE CONGREGATION TO ALLOW OUR ORGANIZATION TO ENTER THAT CHURCH WITH A FORMAL PRESENTATION ADVOCATING ADOPTION. THIS PROGRAM CONSISTS OF ADDRESSES BY A PROFESSIONAL IN THE FIELD OF ADOPTION AND A COUPLE THAT HAVE ALREADY ADOPTED. WE ALSO PROVIDE VISUAL AIDS, MOVIES, SLIDES, BROCHURES, ETC., ON ADOPTION. THE PROGRAM IS ROUNDED OFF WITH A QUESTION AND ANSWER PERIOD. IF, AS A RESULT OF THIS PROGRAM, A COUPLE IN THAT PARTICULAR CONGREGATION ACTUALLY ADOPTS A CHILD, THEN THAT CHURCH OFFICIALLY BECOMES A "ONE CHURCH, ONE CHILD" CONGREGATION.

WHEN THIS PROGRAM BEGAN IN CHICAGO, ILLINOIS IN 1981, THAT CITY HAD IN EXCESS OF 700 HOMELESS BLACK CHILDREN (HOMELESS IN THIS CONTEXT MEANS A CHILD WHO IS INVOLVED IN SOME TYPE OF TEMPORARY SITUATION). TODAY WE ARE EXTREMELY PROUD TO STATE THAT WE NOW HAVE ROUGHLY 40 HOMELESS BLACK CHILDREN IN CHICAGO. MOREOVER, THERE WERE 90 BLACK INFANTS SEEKING ADOPTION. TODAY THERE ARE NONE AND WE HAVE A WAITING LIST OF BLACK PARENTS SEEKING BLACK INFANTS THROUGHOUT THE STATE OF ILLINOIS.

"ONE CHURCH, ONE CHILD" CAN NOW BE FOUND IN MISSOURI, KANSAS AND LOUISIANA, AS WELL AS ILLINOIS. INDEED, "ONE CHURCH, ONE CHILD" ACCENTUATES THE POSITIVE!

Senator HAWKINS. Thank you.

I want to congratulate you and those who worked with you in making Illinois such a role model for other States to follow. I would like to see your program in all 50 States.

In States other than Illinois, what do you see as the main barrier to special needs adoption?

Father CLEMENTS. The main barrier that I see insofar as our program is concerned is that there is a reluctance to engage the church into the process of getting children adopted, into that recruitment stage. And I find the reluctance very difficult to understand because you already have an organized body that is set up—you do not have to reinvent the wheel. We have already established bodies in all of the different States, and I would like to see those bodies utilized, particularly since they are only too willing to do it. We just simply have not gotten around to asking them.

Senator HAWKINS. In States other than Illinois, has there been sufficient recruitment of black adoptive parents?

Father CLEMENTS. Oh, no, there has not been sufficient recruitment, particularly because we keep talking, as I heard earlier this morning in this room, about the problem of transracial adoptions.

It is strange to my mind that when we talk about transracial adoptions, we hardly ever hear anyone talk about blacks taking in white children. It seems as though we are always talking about "Webster" and "Different Strokes"; we are always talking about white families taking in black children. And to my mind, that is a very specious kind of situation. It is a very unusual thing that Tinseltown, Los Angeles, is interested in, but it certainly is not the kind of thing that the ordinary community, in Harlem or Bed-Stuy, or in Roxbury or wherever—any black community around this Nation—that has very rarely any real significance to those cities at all.

What we have to talk about, rather than transracial adoptions, which are few and far between, what we have to talk about are people in the communities, living life there day by day, taking care of the children who were born in those communities by those same kinds of people. And we have not done that. One of the major reasons, of course, is because we have not gone out and recruited avidly black social workers, people from those communities, who are professionals and who are able to handle the kinds of problems that are arising in those communities.

Senator HAWKINS. In Florida, for instance, 42 percent of the children on Florida's Adoption Exchange are black which is quite a large number.

Father CLEMENTS. Yes.

Senator HAWKINS. They call our program Advocacy for Black Children, which I am sure you are familiar with.

Father CLEMENTS. Yes.

Senator HAWKINS. Forty-six percent of the minority children have been on the exchange for 2 years, or more.

Is that normal, in your experience?

Father CLEMENTS. Well, I would say that is normal, yes. It is probably less than in most other States. I would venture—I have no facts at my command—but I would venture to say that you certainly do not have 42 percent of the social workers in Florida that are black that are dealing with adoption. And yet the problem is, of course, one of all of these minority children. And I would love to see us grapple with the problem in an intelligent and sensible way, and we can do it by using the very people who are directly involved.

Senator HAWKINS. Senator Grassley, do you have questions?

Senator GRASSLEY. You made a reference to the fact that agencies were reluctant to involve the church.

Father CLEMENTS. Correct.

Senator GRASSLEY. Can you point to any government policy or regulation, written or unwritten, that states that agencies would not want to involve the churches, or should not involve the churches?

Father CLEMENTS. I cannot point to anyone. The only thing I can point to is a general—they believe that there should be separation of church and state, and therefore, we should not involve the church in this process.

Senator GRASSLEY. So you believe it is associated with that philosophy?

Father CLEMENTS. Correct.

Senator GRASSLEY. And that sort of separation is practiced in a pretty hard-nosed fashion?

Father CLEMENTS. Correct.

Senator GRASSLEY. And not just in Illinois, but you feel, around the country?

Father CLEMENTS. Around the Nation, yes.

Senator GRASSLEY. And you obviously feel that if that were overcome, we would make more progress.

Father CLEMENTS. Well, I feel that you really do not have a problem in the white community of anything like the proportions that you do in the black community. And therefore, it is more or less a moot question when it comes to the white community. It is a very real question when it comes to the black community, because we have so few organizations that are really having an impact on black people in terms of encouraging them to adopt minority children.

Senator GRASSLEY. And you obviously believe that there is no justification for noninvolvement of the churches due to separation of church and state?

Father CLEMENTS. I feel there is no justification when you consider the fact that we are dealing with the most precious object on the face of the Earth, a human being.

Senator GRASSLEY. In fact, you believe that if churches were more involved in the adoption process and used by the agencies for that purpose, that this would not be in anyway treading on the separation of church and state?

Father CLEMENTS. Absolutely not.

Senator GRASSLEY. Thank you, Madam Chairman.

Senator HAWKINS. We will now hear from Mr. Johnson, who will testify on combining public and private sector initiatives in successful placement of special needs children.

Mr. JOHNSON. Thank you, Madam Chairman.

It is with pride that I present to you the Illinois adoption experience. During the past 5 years, in the Illinois Department of Children and Family Services we have made tremendous strides in finding permanent homes for children with special needs, so-called. The methods used have proven that children with special needs, older children, sibling groups, children who are mentally, physically, or emotionally handicapped, and children who belong to minority groups, can be placed with families committed to providing them with understanding, stability and love.

The department's commitment to permanency for children and the commitment of financial incentives at the Federal level in the form of 96-272, resulted in an adoptions initiative, which encompassed specialized services and innovative adoptive family recruitment campaigns for waiting school-age children.

We have increased the number of adoption staffs, and intensified the training efforts for these staffs. Greater attention has been given to children in foster care who have been overlooked in the past with regard to consideration for adoption. Adoption statistics are at a higher level than they have been in the past 5 years. And this is largely due to a number of things.

Our Governor, Gov. James Thompson, has supported the program with fiscal support. There is top administrative commitment; a systematic administrative case review system is in place. Legislative changes governing termination of parental rights; establishment of the Adoption Information Center of Illinois, with a statewide toll-free adoption hotline number available 24 hours a day, 7 days a week; the increase in hiring of qualified staff who specialize in adoption; increase in staff attorneys to assist our staff and the States attorneys; continuous public service and media campaigns and the implementation of one church, one child, Father Clements and his board of directors. All of these steps have contributed to the increase in the numbers of children adopted in our State.

Let me cite to you some statistics. In Illinois in the 1980 fiscal year, children freed were 458; in fiscal year 1984, it was 922. Children placed in fiscal year 1980 was 517; in 1984, it was 936. Adoptions consummated were 475, and in fiscal year 1984 it was 945. Subsidies initiated were 277 in 1980 and 670 in 1984.

When we began our adoption initiative, the largest number of children in need of adoptive homes were black children. These children waited longer for adoptive homes than white children. An intensive effort was made to address this dilemma. Staff attitudes were changed. Practices and agency procedures were changed. Bureaucratic barriers that prevented black families from considering adoption were changed, and the bottom line is this: This agency has reduced the number of waiting black children. How? In February 1980, Cook County of Chicago, there were more than 700 black, healthy, waiting children for adoptive homes. I am pleased to announce today that as of June 1985, this number has been reduced to 55 black children.

[Applause.]

Senator HAWKINS. Remarkable.

Mr. JOHNSON. A major factor in the successful reduction of waiting black children in Illinois was the launching of the one church, one child recruitment program and the undying and unrelenting commitment of Father Clements and his board of directors to be involved with the State of Illinois.

This unique innovative program was the response of Father Clements, and his response to former director Gregory Coler, and myself, then serving as deputy. We were convinced that there were many black families who would reach out to adopt black children in need of permanent homes. We carefully reviewed our adoption procedure and eliminated insensitive and bureaucratic barriers that prevented black families from considering adoption, and made revisions in agency criteria/policy/procedures to reflect cultural differences in minority adoption. We let people know that external requirements such as family income and housing were flexible. Adoptive parents were allowed to live in apartments and did not need to own their own homes. Both parents could work outside the home and still adopt. Single parents could make excellent adoptive parents and provide the attention and nurture children need. Additional black social workers were hired to help increase the adoptive placement of black children. Adoption services were designed for and located in the black community. To assure that adoptive services were located in the black community, the black church, that most important institution of black culture, as Father Clements has so adequately presented to you, became the basis for our recruitment efforts.

Training programs designed to educate adoption specialists in all areas relating to minority cultural lifestyles and special recruitment techniques were provided on an ongoing basis.

Now, finding black families was not the major problem, very interestingly; keeping families through the preparation process was the problem. Some of the best insights our social work staff found for keeping black families were, for example, the agency staff member must contact families within 24 hours to schedule an appointment; an appointment should be scheduled within 2 weeks of the inquiry. Prolonged waits only discourage folks who want to adopt. Only such information as is necessary to begin the process should be taken over the phone. It was imperative that we, as a State agency, assume that any black family who contacted us was interested in providing a home for one of our waiting children.

Our experience taught us that our agency staff must build relationships for black applicants that recognize and accept the feelings of these families and respond sensitively and immediately. Of all the children under their State's guardianship in Illinois who have been adopted in the past 2 years, more than 40 percent are black youngsters. In fiscal year 1983, 374 of the 933 total adopted children are black, and in fiscal year of 1984, 395 of the 945 adopted children were black. With the financial assistance of Dorcas Hardy and HHS, we are now providing technical assistance to 17 States desiring to implement similar programs that could bring about these results. Our current agency recognizes that a child's racial and cultural heritage is an important factor, particularly the identity which it brings to any family—we are talking about transracial adoption. A child's needs shall be the primary consideration when exploring adoptive resources.

Our agency rules and procedures require that we make a maximum of 6 months of diligent search for an adoptive resource of a child's own racial background. The diligent search includes listing the child with the adoption listing service, featuring the child in the appropriate newspapers, conducting television media recruitment efforts, making contact with other adoption agencies. The purpose, of course, is to ensure that every effort is made to include black families for adoption consideration.

In fiscal year 1984, 40 children out of 936 adoptive placements, or 4 percent, were placed transracially for adoption. Our policy permits such placement, and indeed, full consideration is given to adoptive placements who have provided care for a child of a different race, especially where there is strong evidence that bonding has occurred.

On the other hand, we have been so successful in finding black families for both foster care and adoption that we seldom find it necessary to consider transracial placement involving black children. We now have black families waiting for black babies, a first in Illinois.

Subsidized adoption, of course, is the key to finding loving homes and waiting children of all races. The projected savings in foster care costs in our State for fiscal years 1983 and 1984 has been estimated at more than $14 million. But children with physical and mental disabilities and developmentally disabled children wait perhaps the longest for adoptive homes. In 1984, Governor Thompson's planning council for developmental disabilities funded a project in the Chicago metropolitan area to train our agency staff to assess and place handicapped children for whom adoption was the plan. On October 1, 1984, we received a grant from the Department of HHS to increase adoptive placement of developmentally disabled children.

Once again we realized that we had to consider the internal as well as the external barriers to the adoption of these children. Our own adoption staff had to be trained in the specialized area. We began by helping staff look at societal and their own personal attitudes toward people with disabilities.

Birth parents and adoptive parents of children with developmental disabilities advised us how services for these children are often fragmented between different agencies and departments and frequently are difficult to find. We are currently linking families to needed services, and in fact, linking the child welfare system to the developmental disability service system. We have found that many of these service agencies are willing to help us find adoptive families for our waiting children.

Parents also told us that other parents with handicapped children can often be more helpful than agencies. Our current recruitment contracts include moneys for hiring adoptive parents to assist us in recruitment and family preparation activities for startup costs for parent support groups.

Handicapped children are featured in all of our adoption campaign efforts. We have made a special effort to reach parents and professionals familiar with the needs of disabled people. We have found that such persons are adopting children with disability. The child comes first. They see a child before they see a disability.

During the past fiscal year, we have identified a total of 117 handicapped children in placement who could benefit from adoption. Of that number, 78 children are in need of adoptive resources. During this same time period, 65 children have been placed with adoptive families, and 54 of these children have had their adoptions finalized.

I was asked to talk a little bit about interstate compact. We enjoy this reciprocal agreement with other States. Children being placed for adoption in other States include special needs children.

Finally, we have learned that we do not need special families to adopt these special children. We need families who can love and learn to care for the special needs of these children. This has helped us to realize that we simply need to let people know that disabled children are waiting for adoptive homes, and that prospective adoptive parents will receive help in the specialized care a particular child may need.

Thank you for the opportunity to present this testimony for consideration by the committee and to present the views of the Illinois Department of Children and Family Services. We certainly stand ready to assist you and this committee in your endeavors.

[The prepared statement of Mr. Johnson follows:]

Prepared Statement of Gordon Johnson

DURING THE PAST FIVE YEARS THE ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES HAS MADE TREMENDOUS STRIDES IN FINDING PERMANENT HOMES FOR CHILDREN WITH SPECIAL NEEDS. THE METHODS USED HAVE PROVEN THAT CHILDREN WITH SPECIAL NEEDS--OLDER CHILDREN; SIBLING GROUPS; CHILDREN WHO ARE MENTALLY, PHYSICALLY OR EMOTIONALLY HANDICAPPED, AND CHILDREN WHO BELONG TO MINORITY GROUPS--CAN BE PLACED WITH FAMILIES COMMITTED TO PROVIDING THEM WITH UNDERSTANDING, STABILITY, AND LOVE.

THE DEPARTMENT'S COMMITMENT TO PERMANENCY FOR CHILDREN AND THE COMMITMENT OF FINANCIAL INCENTIVES AT THE FEDERAL LEVEL IN THE FORM OF 96-272 RESULTED IN AN ADOPTION INITIATIVE WHICH ENCOMPASSED SPECIALIZED SERVICES AND INNOVATIVE ADOPTIVE FAMILY RECRUITMENT CAMPAIGNS FOR WAITING SCHOOL-AGE CHILDREN.

THE NUMBER OF ADOPTION STAFF HAS BEEN INCREASED, AND INTENSIVE TRAINING EFFORTS FOR THE ADOPTION STAFF HAVE BEEN IMPLEMENTED. GREATER ATTENTION HAS BEEN GIVEN TO CHILDREN IN FOSTER CARE WHO HAVE BEEN OVERLOOKED IN THE PAST WITH REGARD TO CONSIDERATION FOR ADOPTION. ADOPTION STATISTICS ARE AT A HIGHER LEVEL THAN THEY HAVE BEEN IN THE PAST FIVE YEARS. THIS IS LARGELY DUE TO:

- A SYSTEMATIC ADMINISTRATIVE CASE REVIEW SYSTEM
- LEGISLATIVE CHANGES GOVERNING TERMINATION OF PARENTAL RIGHTS
- ESTABLISHMENT OF THE ADOPTION INFORMATION CENTER OF ILLINOIS WITH ITS STATEWIDE TOLL-FREE ADOPTION HOTLINE NUMBER
- HIRING OF QUALIFIED STAFF WHO SPECIALIZE IN ADOPTIONS, AND
- CONTINUOUS PUBLIC SERVICE MEDIA CAMPAIGNS

ALL OF THESE STEPS HAVE CONTRIBUTED TO THE INCREASE IN THE NUMBERS OF CHILDREN BEING ADOPTED IN OUR STATE.

ILLINOIS ADOPTION STATISTICS

(BY FISCAL YEAR)

	FY80	FY81	FY82	FY83	FY84
CHILDREN FREED	458	595	677	849	922
CHILDREN PLACED	517	592	847	900	936
ADOPTIONS CONSUMMATED	475	555	798	933	945
SUBSIDIES INITIATED	277	293	493	648	670

WHEN WE BEGAN OUR ADOPTION INITIATIVE, THE LARGEST NUMBER OF CHILDREN IN NEED OF ADOPTIVE HOMES WERE BLACK CHILDREN. BLACK CHILDREN ALSO WAITED LONGER FOR ADOPTIVE HOMES THAN WHITE CHILDREN. AN INTENSIVE EFFORT HAS BEEN MADE TO PLACE WAITING BLACK CHILDREN IN ADOPTIVE HOMES. WITH A CHANGE IN STAFF ATTITUDES, A CHANGE IN PRACTICES AND AGENCY PROCEDURES, AND THE ELIMINATION OF BUREAUCRATIC BARRIERS THAT PREVENTED BLACK FAMILIES FROM CONSIDERING ADOPTION, THIS AGENCY HAS REDUCED THE NUMBER OF WAITING BLACK CHILDREN. IN FEBRUARY, 1980, IN COOK COUNTY (CHICAGO) ALONE THERE WERE MORE THAN 700 BLACK CHILDREN WAITING FOR ADOPTIVE HOMES. I AM PLEASED TO ANNOUNCE THAT AS OF JUNE, 1985, THIS NUMBER HAS BEEN REDUCED TO 55 BLACK CHILDREN.

A MAJOR FACTOR IN THE SUCCESSFUL REDUCTION OF WAITING BLACK CHILDREN IN ILLINOIS WAS THE LAUNCHING OF THE ONE CHURCH, ONE CHILD RECRUITMENT PROGRAM. THIS INNOVATIVE PROGRAM WAS THE RESPONSE OF FATHER GEORGE CLEMENTS, A BLACK PRIEST FROM HOLY ANGELS CHURCH IN CHICAGO, TO THE FORMER DIRECTOR GREGORY L. COLER AND MYSELF, THEN SERVING AS HIS DEPUTY DIRECTOR.

We were convinced that there were many black families who would reach out to adopt black children in need of permanent homes. We carefully reviewed the adoption procedures of the Illinois Department of Children and Family Services and eliminated insensitive and bureaucratic barriers that prevented black families from considering adoption. Revisions were made in agency criteria/policy/procedures to reflect cultural differences in minority adoptions. We let people know that external requirements such as family income and housing were flexible. Adoptive parents were allowed to live in apartments and did not need to own their home. Both parents could work outside the home and still adopt. Single parents could make excellent adoptive parents and provide the attention and nurture children need.

Additional black social workers were hired to help increase the adoptive placement of black children. Adoption services were designed for and located in the black community. To assure that adoptive services were located in the black community, the black church, one of the most important institutions in the black culture, became the base for our recruitment efforts. Training programs

DESIGNED TO EDUCATE ADOPTION SPECIALISTS IN ALL AREAS RELATING TO MINORITY CULTURE LIFE STYLES AND SPECIAL RECRUITMENT TECHNIQUES WERE PROVIDED ON AN ONGOING BASIS.

FINDING BLACK FAMILIES WAS NOT THE MAJOR PROBLEM. KEEPING FAMILIES THROUGHOUT THE PREPARATION PROCESS WAS ANOTHER MATTER. SOME OF THE BEST INSIGHTS OUR SOCIAL WORK STAFF FOUND FOR RETAINING BLACK FAMILIES WERE:

- AN AGENCY STAFF MEMBER MUST CONTACT THE FAMILY WITHIN 24 HOURS TO SCHEDULE AN APPOINTMENT
- AN APPOINTMENT SHOULD BE SCHEDULED WITHIN TWO WEEKS OF THE INQUIRY. PROLONGED WAITS ONLY DISCOURAGE PROSPECTIVE ADOPTIVE PARENTS.
- ONLY SUCH INFORMATION AS IS NECESSARY TO BEGIN THE PROCESS SHOULD BE TAKEN BY PHONE

IT WAS IMPERATIVE THAT WE, AS A STATE AGENCY, ASSUME THAT ANY BLACK FAMILY WHO CONTACTED US WAS INTERESTED IN PROVIDING A HOME FOR ONE OF OUR WAITING CHILDREN. OUR EXPERIENCE TAUGHT US THAT OUR AGENCY STAFF MUST BUILD RELATIONSHIPS WITH BLACK APPLICANTS THAT RECOGNIZE AND ACCEPT THE FEELINGS OF THESE FAMILIES AND RESPOND

SENSITIVELY AND IMMEDIATELY.

OF ALL CHILDREN UNDER STATE GUARDIANSHIP IN ILLINOIS WHO HAVE BEEN ADOPTED IN THE PAST TWO YEARS, MORE THAN 40 PERCENT ARE BLACK YOUNGSTERS. IN FISCAL YEAR 1983, 374 OF 933 TOTAL ADOPTED CHILDREN WERE BLACK. IN FISCAL YEAR 1984, 395 OF 945 ADOPTED CHILDREN WERE BLACK.

OUR CURRENT AGENCY RULE RECOGNIZES THAT A CHILD'S RACIAL AND CULTURAL HERITAGE IS AN IMPORTANT PART OF THE IDENTITY WHICH HE BRINGS TO ANY FAMILY. THE CHILD S NEEDS SHALL BE THE PRIMARY CONSIDERATION WHEN EXPLORING ADOPTIVE RESOURCES. OUR AGENCY RULES AND PROCEDURES REQUIRE THAT WE MAKE A MAXIMUM OF SIX MONTHS OF DILIGENT SEARCH FOR AN ADOPTIVE RESOURCE OF THE CHILD'S OWN RACIAL BACKGROUND. THE DILIGENT SEARCH INCLUDES LISTING THE CHILD WITH THE ADOPTION LISTING SERVICE, FEATURING THE CHILD IN APPROPRIATE NEWSPAPERS, CONDUCTING TELEVISION MEDIA RECRUITMENT EFFORTS, AND MAKING CONTACTS WITH OTHER ADOPTION AGENCIES. THE PURPOSE OF THIS RULE AND PROCEDURE IS TO ENSURE THAT EVERY EFFORT IS MADE TO INCLUDE BLACK FAMILIES FOR ADOPTION CONSIDERATION.

In Fiscal Year 1984, 40 children out of 936 adoptive placements (4%) were placed transracially for adoption. Our policy permits such placements, and indeed full consideration is given to adoptive applicants who have provided care for a child of a different race, especially when there is strong evidence that bonding has occurred. On the other hand, we have been so successful in finding black families for both foster care and adoption that we seldom find it necessary to consider transracial placements involving black children.

Subsidized adoption, of course, is a key to finding loving homes for waiting children of all races. The projected savings in foster care costs in our state for Fiscal Years 1983 and 1984 has been estimated at more than $14 million.

Children with physical and mental disabilities--developmentally disabled children--wait perhaps the longest for adoptive homes. In 1984, the Governor's Planning Council on Developmental Disabilities funded a project in the Chicago metropolitan area to train our agency staff to assess and place developmentally disabled children for whom adoption was the plan. On October 1, 1984, we received a grant from the Department of Health and Human Services to increase the adoptive

PLACEMENT OF DEVELOPMENTALLY DISABLED CHILDREN.

ONCE AGAIN WE REALIZED THAT WE HAD TO CONSIDER THE INTERNAL AS WELL AS THE EXTERNAL BARRIERS TO ADOPTION OF THESE CHILDREN. OUR OWN ADOPTION STAFF HAD TO BE TRAINED IN THE SPECIALIZED AREA. WE BEGAN BY HELPING STAFF LOOK AT SOCIETAL AND THEIR OWN PERSONAL ATTITUDES TOWARD PEOPLE WITH DISABILITIES.

BIRTH PARENTS AND ADOPTIVE PARENTS OF CHILDREN WITH DEVELOPMENTAL DISABILITIES ADVISED US HOW SERVICES FOR THESE CHILDREN ARE OFTEN FRAGMENTED BETWEEN DIFFERENT AGENCIES AND DEPARTMENTS AND FREQUENTLY ARE DIFFICULT TO FIND. WE ARE CURRENTLY LINKING FAMILIES TO NEEDED SERVICES AND, IN FACT, LINKING THE CHILD WELFARE SYSTEM TO THE DEVELOPMENTAL DISABILITY SERVICE SYSTEM. WE HAVE FOUND THAT MANY OF THESE SERVICE AGENCIES ARE WILLING TO HELP US FIND ADOPTIVE FAMILIES FOR OUR WAITING DEVELOPMENTALLY DISABLED CHILDREN.

PARENTS ALSO TOLD US THAT OTHER PARENTS WITH DEVELOPMENTALLY DISABLED CHILDREN CAN OFTEN BE MORE HELPFUL THAN AGENCIES. OUR CURRENT RECRUITMENT CONTRACTS INCLUDE MONIES FOR HIRING ADOPTIVE PARENTS TO ASSIST US IN RECRUITMENT AND FAMILY PREPARATION ACTIVITIES, AND FOR START UP COSTS FOR PARENT SUPPORT GROUPS.

DEVELOPMENTALLY DISABLED CHILDREN ARE FEATURED IN ALL OF OUR ADOPTION RECRUITMENT EFFORTS. WE HAVE MADE A SPECIAL EFFORT TO REACH PARENTS AND PROFESSIONALS FAMILIAR WITH THE NEEDS OF DISABLED PEOPLE. WE HAVE FOUND THAT SUCH PERSONS ARE ADOPTING CHILDREN WITH DIABILITIES. THE "CHILD" COMES FIRST. THEY SEE A CHILD BEFORE THEY SEE A DISABILITY.

DURING THE PAST FISCAL YEAR WE HAVE IDENTIFIED A TOTAL OF 117 DEVELOPMENTALLY DISABLED CHILDREN IN PLACEMENT WHO COULD BENEFIT FROM ADOPTION. OF THAT NUMBER, 78 CHILDREN ARE IN NEED OF ADOPTIVE RESOURCES. DURING THIS SAME TIME PERIOD, 65 DEVELOPMENTALLY DISABLED CHILDREN HAVE BEEN PLACED WITH ADOPTIVE FAMILIES, AND 54 DEVELOPMENTALLY DISABLED CHILDREN HAVE HAD THEIR ADOPTIONS FINALIZED.

ILLINOIS IS A MEMBER OF THE INTERSTATE COMPACT AND ENJOYS A RECIPROCAL ARRANGEMENT WITH OTHER STATES. CHILDREN BEING PLACED FOR ADOPTION IN OTHER STATES INCLUDE SPECIAL NEEDS CHILDREN.

FINALLY, WE HAVE LEARNED THAT WE DO NOT NEED "SPECIAL FAMILIES" TO ADOPT THESE "SPECIAL CHILDREN". WE NEED FAMILIES WHO CAN LOVE AND LEARN TO CARE FOR THE SPECIAL NEEDS OF THESE CHILDREN. THIS HAS HELPED US REALIZE THAT WE SIMPLY NEED TO LET PEOPLE KNOW THAT DIS-

ABLED CHILDREN ARE WAITING FOR ADOPTIVE HOMES, AND THAT PROSPECTIVE ADOPTIVE PARENTS WILL RECEIVE HELP IN THE SPECIALIZED CARE A PARTICULAR CHILD MAY NEED.

THANK YOU FOR THE OPPORTUNITY TO PRESENT TESTIMONY FOR CONSIDERATION BY THE COMMITTEE AND TO PRESENT THE VIEWS OF THE ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES. WE STAND READY TO ASSIST YOU AND THIS COMMITTEE IN ANY WAY WE CAN IN PROVIDING SERVICES TO CHILDREN AND THEIR FAMILIES.

Senator HAWKINS. Thank you very much. Those are fantastic statistics, and a great success story. I know that you are the leader in the United States, and we will look forward to working with you on a solution to this problem.

I thank both of you.

Our third panel represents three important leaders who hope for a better future for children in foster care.

I am pleased to welcome Mr. Robert Woodson, president of the National Center for Neighborhood Enterprise in Washington, DC. I am also pleased to welcome Ms. Elizabeth Cole, who is the director, Permanent Families for Children, with the Child Welfare League of America. I would also like to welcome Mrs. Linda Diaz, a pending board member of the National Adoption Exchange in Tampa, FL.

We would ask that you summarize your statements and present the full statements for the record.

Mr. Woodson.

STATEMENT OF ROBERT WOODSON, PRESIDENT, THE NATIONAL CENTER FOR NEIGHBORHOOD ENTERPRISE, WASHINGTON, DC; ELIZABETH S. COLE, DIRECTOR OF PERMANENT FAMILIES FOR CHILDREN, CHILD WELFARE LEAGUE OF AMERICA, WASHINGTON, DC; AND LINDA DIAZ, PENDING BOARD MEMBER, THE NATIONAL ADOPTION EXCHANGE, TAMPA, FL

Mr. WOODSON. Thank you, Senator.

I come to this hearing as someone who has had over 9 years' direct experience as a caseworker in the field and have written two books that analyze the problems and opportunities of special needs adoption and foster care. I also, like Father Clements, have been active with the Council for Black Economic Agenda and encourage the black community to take more responsibility for its own people.

I would like to say that the current debate over special needs children, particularly as it affects black children—we heard statistics that there is a decline in the number of foster care children from 500,000 down to 270,000. I share the concern, too, of what happens to those children, and where are they, and on what data base is this established.

I also have a concern about the plight of black children since, according to even the department's own statistics, the number of black children in placement has increased by a percentage from 36 percent to 42 percent. So we have more black children in need of placement.

It is also very curious that according to Dr. Robert Hill, there are 3 million children in America being cared for informally, in informal adoption by friends, relatives and extended family, and 1.5, or half, are blacks. So therefore, the black community informally adopts disproportionately high to their numbers. But yet, when it comes to the public system, we are told that half the kids there are black, and so obviously there is something wrong. So the barriers that we have identified as preventing blacks from connecting has to do with some fundamental assumptions about the foster care system and also the incentives. And that is, first of all, it is assumed by a lot of the statements and even the legislation that the two Senators are considering that will outlaw racial reference, it seems to me that we ought to look at some of the specific barriers. Most of the agencies that have the foster children, it is about a $2 billion industry with 80 percent going for salaries, training, transportation, and services. So there is a perverse incentive to keep children in that system; if your salary depends upon having foster children to serve, there is very little incentive to change that.

The Community Service Society of New York City, in a recent study, revealed that there are about 1.3 million poor people in the city of New York, cared for by about $14 billion, or one-fifth of that population. Seventy-four cents of every dollar that is being spent by the Federal, State, and local government and the private sector on the poor, 74 cents goes to middle-class service providers. Only 26 cents goes into the hands of poor people. Children fall into that category. So we have an industry around. So, some of these specific barriers—I will conclude with the specific barriers. In the first place, you know that there is a preference for adoption agencies not to place children in single-parent households. Then you automatically eliminate half of black households. Therefore, I recommend that the Senate pass legislation making it illegal not to place a child—forbidding a child from being placed in a single-parent home.

Second, often, if there is greater than a 40-year age difference between the prospective adoptive parent and the child, agencies often will not place. I am 48 years old, and I have two children. One is 5 years old and the other is 2. Under existing adoption rules, it would be illegal for me to have my children.

Also, there are barriers on income. Agencies seldom ask people how they spend their money, how effective they are, but what is their income, and do they own a home.

Therefore, all of these barriers—plus, many blacks migrating from the South do not have birth records, or marital records. So, rather than helping them to reconstruct these or find facsimiles, the agencies reject them.

We also know that the city of New York found in their studies that children who remain in foster care, the mortality rate is twice that of the national average. Thirty percent of them wind up going into prisons. While the State and those agencies are required by law to photolist those children with the adoption exchange, only 10 percent of the children on the exchange were, in fact, photo-listed, in violation of the law. In New York City, Puerto Rican children do not exist until they are 7 years old. You would be hard pressed to find a Puerto Rican couple able to adopt a Puerto Rican child in the city of New York, because agencies have consistently defined a Puerto Rican baby as white.

The other barrier, Senator, while I think there is so much talk about transracial adoptions, because the traditional agencies which have been around for many years, who cater to the population at-large find that they have a declining number of healthy white infants to place with waiting white parents who have the fees, who can afford the $10,000 or often $12,000 it takes to adopt a child, and therefore, they are looking at a new market, and that new market is black babies. Therefore, I think their motives are suspect.

Therefore, I think that we must do more to recognize that black people adopt disproportionate to their numbers. Homes for Black Children in Detroit, MI, has demonstrated—and I have a copy of their description—Homes for Black Children in Detroit demonstrated 12 years ago that when blacks take the responsibility, when an agency opens in the black community, where there are black social workers, when they see people on weekends, when they reduce the study time from 2 years to 6 months, when they help them to reconstruct records, when they provide a friendly atmosphere, then they are able to place more black children in adoptive homes than the other 12 traditional public and private agencies combined. And they placed over 842 in 10 years. After 4 years, the public and private agencies changed their practice to those of the homes for black children. The same program is replicated here in Washington, DC, which is a similar success.

If these were cures for cancer, it would be on the front page of the paper. But these were efforts undertaken by the black community themselves, resisted by the industry at-large, and therefore, you do not hear much about these kinds of programs.

Therefore, before the Senate rushes to spend its time and limited resources to pass legislation that focuses on transracial adoption, I suggest that the Senate take its time to look at some of those other specific barriers to the placement of special needs children such as those that I have listed and I have contained in my testimony. And I ask, Senator, that my testimony be entered into the record. I also ask that the written statement by Sydney Duncan, the administrator and founder of Homes for Black Children in Detroit, that her statement be entered into the record. I think it tells a very profound story.

With that, I would like to conclude, and I would be glad to answer any questions.

Senator HAWKINS. Thank you, Mr. Woodson.

[The prepared statement of Mr. Woodson with attachment follows:]

PREPARED STATEMENT OF ROBERT L. WOODSON

Benevolent Neglect: Barriers to Adoption

Good morning. My name is Robert L. Woodson, President of the National Center for Neighborhood Enterprise. I would like to thank Chairman Hatch and the other honorable members of the committee for this opportunity to testify on the problems associated with current adoption policy.

According to the latest available data from the Department of Health and Human Services, there are between 243,000 and 274,000 babies and children in foster care--down from over a half million in 1977. These numbers, at face value, suggest improved childcare delivery on the part of the United States, yet the reality is still quite grim. In 1977, for every 100,000 children for whom adoption plans were being made, at least half (50%) were placed. In 1982, on the other hand, of the mere 50,000 children for whom adoption activity was initiated, only 34 percent or 17,000 were actually adopted. More importantly, the percentage of minority children in foster care has steadily increased, from 38 to 46 percent.

The children who end up in foster care generally grow up in foster care. The result is a "revolving door" system that has developed into an "unconscionable failure" for the children trapped by this system.

Despite increased government expenditures and involvement on this issue, these children are still in institutional limbo.

There is adequate documentation and evidence to support the contention that more than 40 - 50 percent of all children in foster care show symptoms of maladjustment and emotional distress as well as some antisocial and deviant behavior.

Many of these children are shunted from one home to another. Because foster care is supposed to be temporary, official policy is to discourage strong emotional ties between foster parents and foster children. Yet for these children, foster care often becomes an endless series of temporary havens. Many of them grow up without the sense of permanence and the psychological support necessary for sound development.

For some children, the state is the worst possible parent. Prolonged institutional care can injure and disorganize normal development. Although everyone agrees that children should be moved quickly out of institutions, group homes, and foster care and into permanent, loving homes, the evidence shows that child welfare agencies are not accomplishing this goal. Nationwide, children spend an average of five to seven years in foster care. Few efforts are made to return them to their natural parents. Often children are placed in foster homes or institutions far from their parents' home, so that visiting becomes difficult and the parents and children become estranged. Because of such estrangement, the courts may then terminate the rights of parents who cannot afford to travel to visit their children. The hurt and rejection experienced by the children can be devastating. A child may feel abandoned when public systems take over responsibility for him or her.

Efforts to provide a permanent adoptive home for a child are usually insufficient, and adoption may be inadvertently discouraged. The body of administrative regulations that has grown up around child placement over the years acts as barriers to adoption. The children who need homes and families who want children often do not learn about each other. Applicants for a child may be rejected because they are considered too old, too young, or too poor, or because they are single or they belong to the wrong religion. Some prospective adoptive parents withdraw their applications rather than answer embarrassing questions about their personal lives. Handicapped individuals are routinely turned away. Moreover, the agencies receive more money if they hold onto children than if they place them in permanent homes.

Money for the care of child wards is often diverted. One agency accumulated a multimillion dollar portfolio while spending as little as $2.96 a day to feed and clothe each child. Since this agency received $24,000 a year for each child in its care, placing children for adoption was less attractive than keeping the children and the income they brought in. In one year, four agencies were given $6 million to place 2,000 children, but they placed only ten. While these cases may be exceptions, there is no doubt that the number of children in care has increased dramatically. In 1963, 37 in 10,000 children were in foster care; in 1969, 45 in 10,000 children; and in 1977, 77 in 10,000 children.

There is no effective means of monitoring the quality of services to children or the practices of various institutions. Large caseloads and voluminous paperwork prevent workers from getting to know the children they supervise or maintaining communications with their families. Unprepared or unable to deal with family problems, they can do little to facilitate a child's return home. Likewise, there are no effective sanctions for poor performance by child welfare agencies.

Even a well-run institution, however, cannot replace a family or a home. A significant number of children who become wards of the state are injured by this "care." The mortality rate of foster children is twice the national average, although only 12 percent enter foster care for reasons of personal maladjustment emotional distress.

Our public policy provides perverse incentives for maintaining children within the foster care system. It often prevents good people within the system from acting in the best interest of children. Their salaries, the agency's overhead, and related expenses are all based upon having children in care. Many dedicated professionals in the system have tried to change these practices, but they are faced with a system that discourages inquiry. Thousands of dedicated foster parents who provide love and care with little compensation for their efforts are also victims of the system.

Ours is a system of self-perpetuation rather than one of sensitive child care whose mission should be "permanency" for children. And for black children, it's the worst of nightmares. For example,

- About half of the children in foster care are black--a disproportionately high number considering the relative proportion of black children in the general population. In Philadelphia, for instance, 80 percent of the children registered on the adoption exchange are black, while 80 percent of the families registered are white.

- While children who remain in the system tend to be 13+ years old and handicapped, black children who remain in the system are usually under 13 years of age and healthy; yet they tend to stay in the system (a system designed to be temporary and short-term) for more than seven years.

- Black siblings are often separated because girls are easier to place.

There is no question that black children are disproportionately trapped in this system, but there are horror stories and flagrant abuses for all children and in nearly every jurisdiction in this country.

Some Specific Barriers

There are any number of barriers to adoption -- all of which are well-documented, including increasingly high private agency fees from $250 to $12,000; lengthy waiting lists and difficulty getting homestudies, particularly in rural communities; age, income, sex barriers and on and on.

Of course, less has been written about the many black families who are interested in adopting or taking care of black kids. A 1982 federal study did report that black families adopt at a rate 4.5 times higher than whites or Hispanics. Yet, little research has been undertaken to understand the workings of the extended black family network or to build on Dr. Robert B. Hill's landmark studies on the strengths of black families and their informal adoption patterns.

The inability of agencies to subsidize medical and hospital costs poses the biggest barrier to unwed mothers considering adoption. (Contrary to popular belief, however, housing is not an issue. Most young black teenage mothers, for example, live with their parents or other blood relatives.) Yet, reform of the system is usually targetted to either spending more on administration or spending less to reduce the burden on the taxpayer. But neither approach would have helped:

- Attorney Sean Purrell, a single parent who waited more than two years to adopt his two boys, ages 8 and 9. Purrell was turned down by over 15 agencies.

- Or flight attendant Venus Hayes and her husband from Georgia, who wanted to adopt a 6-year-old girl in Ohio. However, the agency in charge moved the little girl from her foster home to prevent additional contact from the Hayes.

- Or the university professor/dentist and his wife who have tried for two years to adopt a 6 to 9-year-old, but no agency has gotten back to them.

There is no evidence that tinkering with the foster care system will ever make it become like a family to its children. Nor can the issue be resolved by an argument over public versus private care; most private child care agencies receive the bulk of their support from the public agencies and, therefore, conform to the same rules and regulations.

Even Public Law 96-272, the Adoption Assistance and Child Welfare Act, which passed by a vote of 401-2 in the House and has been hailed by child advocates as a major reform, leaves much to be desired. It was designed to give financial incentives to states to manage foster care better, to return children to their families, and to encourage their adoption. Funds are made available to restore families and keep children at home and to recruit adoptive families, as well as for other purposes. The act relies, however, on professional agency personnel to carry out the reforms. A different perspective may be required to make real improvements in the system.

The Reagan administration's position on foster care includes the following goals: to reduce burdensome federal regulations; to emphasize adoption assistance rather than service entitlements; and to switch from federal mechanisms to those of states and localities. These are significant changes that may well prove to be auspicious. To reverse the present trend in foster care, however, a new vision is needed.

An alliance is forming between some child advocate groups and service delivery leaders to shift public intervention to preventive and protective services on behalf of children. A ceiling on spending would be acceptable to these groups if the funds could be spent for preventive and protective purposes. Would shifting public funds from one set of programs to another result in improvements, however, as long as the same professionals remained responsible for the services? I think not. Understandably, these professionals seek to legitimize their mission, but government policy should be concerned primarily with the needs of children and families. If these professionals insist on making use of existing structures, a family's opportunity to work out its own problems may be severely curtailed.

A national family policy on foster care should respect the existing pluralism of family lifestyles and child care practices. There is a great variety of American lifestyles, embodying widely different perceptions and goals. To be responsive to the different needs of these various families, adoption subsidies should be available, if needed, for each child taken by a family, whether the child had been in crisis or not. Such an allowance would resolve many of the controversies surrounding foster care. Its benefits would become dramatically evident, because it would encourage adoption by many foster families that could not otherwise afford to lose the money they receive for foster care.

Foster care policy must be freed of the pejorative myths that surround the black family. When the black community applies its own standards to the adoption of children, the results are astounding.

Recommendations

Because of the devastating human and fiscal costs of an insensitive, yet self-perpetuating foster care system that permits uncritical and unlimited support for programs that keep children away from permanent homes, NCNE recommends the following:

- Transfer to traditional institutions in the black community such as the black church the authority to recruit and approve potential black foster and adoptive families.
- Strengthen the role of parent groups through expansion of the grants program to adoptive parent groups now administered regionally by existing adoption resource centers.
- Consider a non-governmental national exchange supported by adoptive parent fees (sliding fee scale) and agency fees on a performance basis (fees paid only for placements). Require agencies to make available non-identi-

fying information about legally free children with fees paid when placements are made (such fees might be equivalent to two or three months of care). The board of such a public/private venture should include children's advocates, business and technical experts and adoptive parents' representatives.

- o Promote innovative models such as Detroit's Homes for Black Children (see attachment) by removing regulatory and other barriers for successful adaptation to other communities.

- o Any child receiving medical assistance should automatically receive an in-state medicaid card whenever the child moves across state lines.

- o Agencies should not be allowed to hold children hostage for a fee from the families. Because agencies that place children have an immediate cost savings of from $10 to $20,000 (the annual cost of foster care/institutional placements), the agency should bear that cost if a fee is required.

- o Adoption programs should be funded on their ability to place children. (Programs run by minorities to place minority children are consistently successful in recruiting and placing children).

- An equitable percentage of child welfare agency budgets should be mandated for prevention, reunification and adoption services if permanence is in fact the goal. Currently, the majority of all budgets are allocated to foster care.

- Agencies should not be allowed to discourage prospective parents because of marital status, age, or income levels.

References

1. Children without Families: A Report on Philadelphia Children in the Foster Care System, Adoption Center of Delaware Valley, 1982.

2. "Children without Homes" (Washington, D.C.: Children's Defense Fund, April 1977); and David Fanshel and Eugene Shinn, Children in Foster Care (New York: Columbia University Press, 1978).

3. Controller General's Report to Congress, Children in Foster Care Institutions/Steps Governments Can Take to Improve Their Care, Department of Health, Education, and Welfare survey, 1977.

4. Robert B. Hill, The Strengths of Black Families (New York: Emerson Hall, 1972). See also Robert B. Hill, Informal Adoption among Black Families (Washington, D.C.: National Urban League, 1977).

5. "Homes for Black Children," Ebony, June 1976.

6. Office of the Comptroller, City of New York, Bureau of Municipal Investigation and Statistics, Report on Foster Care Agencies, Achievement of Permanent Homes for Children in Their Care, no. E77-403 (1976-1977).

Attachment

Detroit's Homes for Black Children

Over half of the children in the nation's foster care system are black. Many professional service providers mislead the public into thinking that the reason more than 300,000 black youngsters are in the system is because of fundamental weaknesses in the fabric of black family life in America. They argue that black families are not interested in adopting children, particularly if the youngsters are older than four years of age or suffer from a disability. They further contend that because of economic conditions, black families would be unwilling or unable to share what scarce resources they have with a child in need of a permanent home. Their contentions are groundless.

But, fortunately, alternative approaches to child care already exist and are succeeding. In Detroit over the past twelve years, a model agency for child placement has been demonstrating that the real interests of children need not be sacrificed to bureaucratic ineptitude. Within its first year, Homes for Black Children placed 139 children. This exceeded the number placed by all thirteen of the other Detroit agencies combined. And over the past ten years, Homes for Black Children has placed over 700 children in adoptive homes.

What makes Homes for Black Children different is its fundamental basis in the community it serves, rather than in professional traditions. Aggressive recruitment of prospects, sensitive handling of inquiries and mutual respect between case workers and prospective parents have made all the difference.

Homes for Black Children draws on an informed grasp of the cultural realities of the minority groups served. The myth that black parents do not adopt has been shot down. The black foster child who used to be homeless for most, or all, of his childhood no longer has to wait.

To help them serve the children better, Sydney Duncan, Executive Director of Homes for Black Children, has drawn up a set of four principles that she finds account for the success of her agency.

First, Homes for Black Children sees its task, not as a job, but a "cause"--it is important to define what is to be done and for whom specifically. Success is to be measured in terms of product (the number of children placed), not process, i.e., man hours spent, tests given, or some other professional activity.

Second, staff is committed to the cause, rather than to any preconceptions regarding politics, life-styles, or "type" of adoptive home. Only the applicant's capacity to love and parent a child is regarded as relevant. Social workers usually think of themselves as accountable to fundgivers and voters, but Homes for Black Children is to be accountable first to the black children they serve. The staff refuses to be shackled by institutionalized procedures, doing "it" a certain way just because "it" has always been done that way.

Third, instead of focusing on statistical abstractions about need for black adoptions, Homes for Black Children transposed statistics into specific living children, placing the pictures and stories of these children on television and in the Detroit papers. Instead of presenting the community with the "burden" of hard-to-place or special-needs children, they showed the joy of Detroit black families who were achieving parental satisfaction. Instead of discussing racism or poverty, they presented a hundred specific children who could have homes where they would get love, food, and a place to live in peace.

Fourth, as the adoption needs change, Homes for Black Children changes its program to serve the new needs. After a year and a half of operation, so many black infants had been placed that there was a waiting list of families wishing to adopt. Homes for Black Children accordingly began to focus more on the placement of older children and "special" children. Other agencies are often more concerned with obtaining financial support for themselves than they are with orderly distribution of services.[1] In addition, Sydney Duncan has been personally very effective in persuading the courts to deal with legal aspects of adoption in a more timely fashion. When other agencies in Detroit realized what was happening, they altered their own practices to replicate this model in other communities.

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[1] The New York Times, January 14, 1972.

HOMES FOR BLACK CHILDREN
2340 CALVERT • DETROIT, MICHIGAN 48206 • TELEPHONE 869-2316

July 7, 1985

Mr. David Rawlings
Senate Committee on Labor and
Human Resurces
Washington, D.C. 20510

Dear Mr. Rawlings:

Homes for Black Children began in July, 1969 and at a time that it was generally believed black adoptive homes could not be found for Black Children. In the 16 years that we have been in existence, we have placed a total of 808 children ranging in ages from newborn to 15 years. We have placed as many as six sisters and brothers together in one family.

Our largest number of placements were in our early years when we received referrals of many children from agencies in the Detroit area. As it became clear that Black families would adopt, the agencies began to place their own children in adoptive homes. Thus, there was not the need to refer children to us in the large numbers that they had in the past.

As an agency we did not wish to compete and in 1974 we reduced our adoption program by 40% and continued a reduction in that program until two years ago. We shifted the emphasis of the agency to providing service to Black families at the time of crises so that fewer children would have to enter the child welfare system. (See current agency objectives Black Family Presevation.)

Though our decision to reduce our work in adoption seemed a wise one at the time, presently, I am not so sure. Agencies and people have begun to believe again that Black children are hard to place or that there are not Black families for them.

Our present adoption staff consists of one full time social worker and two part time social workers. As of this month we will increase our part time staff by one social worker and look forward to begin to increase our capacity to serve the adoptive needs of Black children.

Very sincerely,

Sydney Duncan, ACSW
President

psa

(NOTE: Due to printing limitations and in the interest of economy, certain documents accompanying this statement were retained in the files of the Committee.)

Senator HAWKINS. Ms. Cole.

Ms. COLE. Thank you, Senator.

My name is Elizabeth Cole, and I work for the Child Welfare League of America. I am not going to waste any of 5 minutes telling you about the Child Welfare League, because I think you know about it. I think you know that we are dedicated to improving child welfare services all across the United States and Canada.

But what you may not know is about me and what I do. I am in charge of a program called Permanent Families for Children. For the last 10 years, we have been dedicated to the promise that kids are entitled to permanent families—first, their own, and second, through adoption if they cannot live with their original families.

I do a lot of training and a lot of consultation, and technical assistance in the States. I am really proud to say, for example, that the consultation of the Child Welfare League was given to the State of Illinois to redesign their whole adoption program 5 years ago, and I am just delighted with the results. That is the kind of work we do.

I want to tell you what I think the five barriers are at the same time, some of the things that can be done about them.

You have heard testimony more eloquent than I can ever be about the fact that still, some social workers, some courts, some administrators, doctors, some of the people who make key decisions about whether a child will be placed or not, still think they are unadoptable. I started as a social worker—25 years ago—an 18-month-old baby was hard to place when I started. And people resisted placing them just because they thought they were "too ugly," or they had "red hair," or they had "green eyes," or they had "toes that turned in." Now we are talking about 18-month-old youngsters who have Down's syndrome. We still have people who say, "Who would take these kids?"

Often, people think of themselves and say, "I could never parent a child like that," and then say, "Well, no one else could, either."

So I think our first barriers still are the people who work in the system and have control of the decisions. Somebody has got to have a commitment that these kids will be placed before anything will get moving. We need to continue training and continue working at instilling those values in decisionmakers.

Now, some of the workers are not resistant to the kids. Some actually like the kids too much. One of the problems I see is that a lot of workers hold on to kids. No family I will ever suggest to them is good enough. They are looking for Donna Reed, the Waltons—everybody's dream family merged into one. So they turn down very, very good families.

You heard the Avegnos taking seven handicapped youngsters. When they come in to ask for their eighth, I bet 9 out of 10 of the workers they meet say, "There has got to be something wrong with those people. Who would ask for eight or nine?"

And I know the deBolts were not welcomed happily when they tried to increase their family. So that some of the best resources for families are turned aside because of the negative attitudes of people in the adoption system.

Also, one of the problems is that county administrators do not want to take somebody else's problems. We recently finished a survey in a Western State. We have one county that has homes for kids, another county that has kids. In the county that has families, the administrator said, "Don't take these kids in. It adds to our county budget. If anything happens to that family, we are going to have to be responsible." Walled city-states have grown around agencies that keep kids from being placed. What we need is the kind of leadership that we have heard in this testimony. The kind of leadership, for example, in Illinois, where administrators say, "You must do this." It is very clear that the leadership in that State says it has to be done.

Another fear which prevents placements is the fear of disruption. Very often, we measure an adoption worker's success by how well he or she does. With a lot of the youngsters we are talking about, you do not really know whether or not the placement is going to work. We hope it will. We do not have the kind of magic to tell. Often, a worker's fear that the adoption may disrupt, and they may be thought of as a bad social worker makes them not risk the placement at all. So, a lot of kids do not get placed because of fear or disruption.

I think, by the way, that two solutions to those problems are ongoing training, and leadership. It is not enough to design a curriculum and give it once. It is like saying kids should only go to school for 1 year. You need education constantly. And the other is leadership. The first is easier to do. I do not know what to do about the leadership. I think training will help develop that.

Another barrier is that parents lack the counseling, the financial assistance, the day care, and the respite care which would make adoption possible. You heard that countless times here. Subsidy, you have heard, is really terrific. There is a national study which shows that if a youngster is placed for adoption, the State will save 37 percent. Even with that, there are States that are willing to cut back their subsidy program, make it harder to get, by putting means tests on adoptive parents. It makes no sense to me. Subsidy is the only program where I can come to you and ask to save money, ask the legislature to allow me to do something better for kids and to save money. And yet, paradoxically, in the States, State legislators are cutting back on the subsidy programs.

Another problem we have is, the one that Senator Dodd was alluding to this morning. That is the lack support after placement. We are placing Down's syndrome youngsters, we are placing youngsters who are severely disturbed, who have been emotionally battered and bruised as well as physically abused. We know that those families are going to need help. But what we do is we wave goodbye to them at the courthouse steps after they adopt and hope that they will make it.

What we really need are postadoption services. We need to support the families that we have created. We believe that if we can support those families by being there when they say, "Now what do I do?" That we will actually prevent the family from dissolving and prevent the potential disruption from occurring. So postadoption services is one of the most underdeveloped areas of adoption in the United States, and is the one that I think needs the most attention.

I believe we lack of good daycare and respite care. If you have several physically handicapped youngsters, you really do need to get away with your wife for a vacation for a couple of weeks, and you really do need to be able to provide good child care in order to parent those youngsters. The lack of those also serves as a disincentive to people to adopt.

Now, having said that there is a lack of services, I want to tell you that another barrier I see is that agencies do not even use all that is there. Let me give you some examples of that. I still do not think there is enough targeted recruitment. We saw the videotape of the little youngster. We believe very strongly that kids are their best recruiters. I cannot recruit a home for a youngster; they can, themselves. We need to do more of that kind of recruitment, even beyond the videotape. I am very proud to say that I am on the board of WAIF, which is a voluntary organization formed by Jane Russell. We give money to agencies in order to have them do something that is even better than videos. We have adoption parties. We bring the children live into a room with a lot of people who want to adopt them and get them together that way. There is not enough of that going on in the United States. I believe that if we do more of that kind of video and more of the kind of live recruitment, that—the parents are there. We will really be able to get them in for these kids.

I think that volunteers and other community groups are not being used. Father Clements told about how the churches are not being used. I do not think the neighborhood associations are. I do not think the barber is; I do not think the people who check out at the counter of the Acme are being used to the degree to which they can.

I do not think this is a church and state issue. I just think agencies sometimes are afraid of having a lot of other people involved in what they think is professional work.

I believe that foster families are a great potential as adoptive families; their friends and relatives, the friends and relatives of people who adopt, are untapped, and we ought to go after them. I think the biological families of a lot of these kids could be recontacted.

In New York, they were looking at some children who had been in foster care for something like 7 or 8 years, free for adoption, not yet placed. They said, "I wonder how the original family is doing?" When they went back and looked at the original family, they found that the original family had matured; the teenage mother was no longer a teenager—she was employed. Some of the other family members who had had problems originally had gotten themselves on their feet. And 8 out of 10 of those children were returned to the biological or extended families. Now they have got a permanent family with their family of origin.

I also think that public agencies do not use private agencies well. There is a whole array of private agencies out there that are ready, willing, and able to help in this venture. Public agencies-either do not call on them to be partners, or they do not pay them for what they do, and that is a disincentive.

My fourth problem is that we lack decision and skill in making decisions as service providers and policymakers. One reason is we do not have data. I am just appalled that we do not know if it is 33,000 kids, 50,000, 100,000 available for adoption. You know, somebody in this office, across the hall, knows with more surety the number of watermelons they are recalling in California and the number of growers that were involved than the number of kids. And I have been testifying here for 10 years, and I still am appalled and upset that we cannot count our kids better than we do.

So I would want to suggest that rather than a voluntary reporting system, we might want to recommend that since all of our taxpayers' dollars, either local, State, or Federal go into this, that we really have to make public who it is that we are serving and what they need.

And I guess my fifth barrier is that at the same time that the kids are getting harder to place, we are withdrawing our resources. I want to say in response to that is that we ought to spend our resources well. I think the first solution to the adoption problem is not letting so many kids get into foster care in the first place—I want to emphasize that. And I want to say that I think we ought to spend as much time and money and thought in giving services to families in crisis at the entrance to our service system, and we would not have to worry about so many having to exit out the other end.

I want to submit to you a booklet on preventive services in the United States. I think we know some good ways to help. There are some agencies—by the way, 11 of the district offices in your State are beginning to use these innovative services and they are spreading it to 3 more this year. So my first solution is let us try to prevent so many kids having to leave their original families. Let us preserve families so that we do not have to recreate new ones.

My second is why don't we fully fund child welfare services. Come on, now. We really need a continuum of very strong services across the board. We are not just talking about funding adoption. We need to fund them all.

Now, when we are talking about funding adoption, why don't we really fund the adoption initiatives appropriately? We are only asking for $1.2 million. We got $5 million 5 years ago.

I guess my concluding remark is I just am fearful that we are going to forget these kids, that we are going to think all these reforms are great, and that they have solved all the problems. I do not know about you, but I just cannot face the kids I work with or the kids I know that are waiting and saying that we only thought they were worth $1.2 million when they are tougher to place and they have more problems. Why can't we give the $5 million that we were willing to spend 5 years ago for the kids that are waiting today?

That is the end of my prepared remarks.

Thank you.

Senator HAWKINS. Thank you very much.

[The prepared statement of Ms. Cole and questions submitted to her follow:]

Prepared Statement of Elizabeth S. Cole

CHILD WELFARE LEAGUE OF AMERICA, INC.

Chairman Hatch and Members of the Committee, my name is Elizabeth S. Cole and I represent the Child Welfare League of America where I am the Director of the Permanent Families for Children Unit. This service division includes the North American Center on Adoption as well as several new initiatives to insure that more children will have permanent, loving families.

The Child Welfare League of America, established in 1920, is the only national voluntary organization and standard-setting agency in the child welfare field. The League is comprised of more than 350 public and private voluntary not-for-profit member agencies and 1,200 affiliates who provide various child welfare services to children and families throughout North America. Such services include adoption, family foster care, residential treatment, group homes, home-based social services, day treatment and child day care.

Since its inception, the League has viewed adoption and adoption services as a major priority. Special programs and projects, significant research studies, field and information services have all focused extensive time and resources on the problems of children in need of permanent adoptive homes as well as on the agencies responsible for their care and future planning.

In July 1967, the Child Welfare League established the Adoption Resource Exchange of North America (ARENA), which incorporated the Indian Adoption Project and expanded the geographic reach of an exchange. Twelve years later, ARENA operated throughout North America and provided service in each of the 50 states as a program of the League's North American Center on Adoption. In 1979, the League undertook a three-year project for the Children's Bureau, Department of Health & Human Services, to design a model National Adoption Information Exchange System.

Although the League's Adoption Center programs focus on the entire field of adoption practice to insure the highest quality and most expeditious service to children, the League has made especially noteworthy contributions to placing the child with special needs. We are pleased to have been among those in the forefront of advocacy for the reforms embodied in the Adoption Opportunities Act and P.L. 96-272, The Adoption Assistance and Child Welfare Act of 1980. In 1978, the League undertook a two year research and demonstration project for the Administration on Developmental Disabilities to improve adoption services to disabled youngsters. In 1980, we produced radio and television public service announcements for the Children's Bureau/HHS to recruit adoptive families for special needs youngsters. In 1985, the League will publish Beyond Adoption's Frontier, the only current research study on how the adoptive families of special needs children are faring.

Currently, the North American Center on Adoption remains an active project of the League's Permanent Families for Children unit. For the past 11 years, we have hosted the Family Builders newtwork. This is a group of non-profit adoption agencies located in various regions of the country, dedicated to serving older, handicapped and minority children. (Appendix A)

Staff from the League have conducted adoption training sessions and workshops with attendees from every State in the Union. We have made in depth examinations of several State adoption systems. Our view of the major barriers in adoption services is based on these experiences.

Over the last 10 years, initiatives by both private and governmental organizations to improve adoption services for minority children and those with special needs have caused thousands of them to find parents. We are gratified at the dramatic progress this represents.

We are here today because despite this improvement in service, there are still thousands more children waiting for permanent families. Data is lacking on their true number and characteristics; however, we know that by the end of 1982, there were at least 33,000 children who were legally freed for adoption and not yet placed. Those children most likely to be waiting are: minority, handicapped, more boys than girls, over 11, in foster care more than four years.[1]

We believe that these children may only be the proverbial "tip of the iceberg." There are thousands more uncounted children who should be placed residing in facilities for the developmentally disabled, the mentally ill, and the dependent and neglected.

A number of barriers to their placement are perennial ones and have been recited time and again by countless witnesses before Congressional committees, blue ribbon panels and State task forces. Other barriers are new ones and grow directly from our current experience with adoptive placements with older and handicapped children.

Our list of obstacles is not meant to be exhaustive but to highlight those which we feel to be of major significance. We would also like to share with you some recommendations to increasing the number of minority and special needs children who find adoptive families.

Major Barriers to the Adoption of Special Needs Children

We believe that more children are not placed because:

1. Key line, administrative and court staff are still resistance to the idea of adoption for some children.
2. Necessary support services are missing.
3. Agencies fail to use all resources available to them.
4. Decision-makers and service deliverers lack critical adoption skills and knowledge.
5. Current societal conditions discourage adoptions.

1. Resistance to Adoption

Someone must believe that a child could or should be placed for adoption or he never will be. Some social workers and judges still believe that certain children are not adoptable. I can recall an incident 15 years ago when a worker I supervised refused to present a two-year old to prospective adoptive parents because she thought he was "too ugly" and they couldn't possibly want him. Today, the same phenomenon exists. This time, the workers balk because the child is "too old", "too surly", "too slow", "too handicappped", "too dark", "too light". The first mistake is in thinking of the child as "a problem" and not a person. The second, and the more serious lapse, is presuming that what may be unpalatable to a particular worker or judge would also be unaccetable to prospective adoptive parents.

Sometimes it is not a social worker's repulsion for the child but his affection which gets in the way of a placement. Some staff "hold on" to a child. No suggested prospective parent is ever good enough. They really fear losing the child to someone else.

In far more situations, the fear that placement is too risky and it may disrupt immobilizes the staff from proceeding. Too many agencies measure a worker's performance by the number of successful placements he or she has made. Disruptions reflect unfavorably on a worker. This policy encourages safe, conservative decisions which often mitigate against adoption.

Often the resistance to placement is not at the worker level but higher in the administration. We recently completed a study of a State adoption system. In this particular State the child welfare services, including adoption, are delivered by the individual counties. Certain of the county administrators discouraged their staff from offering children from other counties to their waiting adoptive families. They didn't want to be responsible for providing costly services should anything happen and the placement disrupt. This same problem is not confined to county administered systems but may also be found in those operated by the State.

2. Lack of Support Services

Parenting children with special needs is demanding. Certain support services are necessary to make adopting children feasible and attractive to prospective adoptive parents. A primary concern is financial assistance. While all States now have some adoption subsidy program, they have begun to erode over time and so have adoptive parents' confidence in them. A recent survey we did on this issue showed that certain large States have begun to cut back on the amount of adoption subsidies and to tighten up on the eligibility requirements for adoptive parents. It has been documented that the availability of subsidy is a major incentive for families to adopt special needs children. A weakened subsidy program can only cost more if it results in a child staying in foster care. The average subsidy amounts to 37% less than the cost of maintaining that same child in foster care.[2]

The burden of parenting special needs children could be lightened if agencies offered certain services before and after the adoption has been finalized. Families could use self help groups, counseling and concrete services, such as day care and respite care. Most agencies do not offer these services after adoption. As a result, the spectre of having to "go it alone" is a discentive to prospective adoptive parents.

Just as parents lack help to support them, so do caseworkers. As a regular part of the training I do, I ask workers what they need to do a better job of placing special needs children. One of the items that always appearr rather high on this "wish list" is the need for more supervisory and administrative recognition of how "harrowing and draining" most adoption workers' jobs are. Too many adoption workers feel isolated and unsupported in their own agencies. This results in worker burnout. One of the more serious consequences of burnout is not that the worker leaves the agency but that they stay. Uninvolved, unattached and inactive, they lack the energy or will that it takes to move a child from foster care to adoption.

3. Untapped Resources

At the same time needed support services are missing, we also find the paradoxical situation that resources to make permanent families possible go unused. Agencies, volunteers and potential parents have not been tapped to their full potential. More private adoption agencies would begin or expand special needs adoption programs if purchase of service arrangements between them and the State were more equitable.

New adoption agencies with no large endowments or financial backers must rely on the fees collected from government agencies for the services it provides their children. When it only collects in fees a portion of its costs and cannot raise the rest of the money, the agency dies. Many of the new minority adoption programs and agencies have failed to take hold because of this funding problem. Before its board of directors will see an entire agency die, they tend to jettison the costly adoption service. As a result, the resources of the voluntary sector go underutilized.

Not only do we need an improved purchase of service program but a renewed commitment by the boards of voluntary agencies to find the additional funds for special needs adoption service.

Agencies cannot and should not be solely responsible for finding families for special needs children. The most powerful resource is the caring and commitment of the individual members of the community itself. The success of programs, such as Illinois' "One Church, One Child" is testimony to a community's willingness to help children find families. Volunteers, neighborhoods, existing community are underutilized by far too many agencies.

All of these efforts can and do bring potential adoptive families to the agency door but too many who would be adequate parents are still being turned away. Unorthodox families are rejected arbitrarily and without good cause because they are headed by single parents or sometimes where husband and wife may assume different roles. One propsective adoptive family in a western State went to court to protest their rejection -- the agency had found them unsuitable because the father had decided to stay at home (where he managed his business) while his wife worked outside the home.

A New England State, because of a recent highly publicized case involving homosexual foster parents, is considering barring all single parents as prospective foster and adoptive parents of choice.

I believe that other major sources of potential permanent parents are not drawn on to the extent possible. Those are the child's foster family and their kinship group and the child's biological family.

Foster parents adopt more children with special needs than those recruited from outside the agency. Yet not all foster parents know they can adopt or would be given preference. I recently read a report of a survey of foster parents in one New England State which indicated that 50% of them were unaware that they had preference in the adoption of their foster child should he become legally available. I believe that this is true in many other agencies.

Aside from the foster parents themselves, there are scores of their relatives and friends who are not being asked if they would adopt this child. The benefits of such an adoption are obvious -- the child stays in a familiar circle of family and neighborhood.

Too frequently the child's original family is not explored as a possibility. So many children waiting for adoption have been in care for several years -- long enough in many instances for a young mother to grow mature and a weak family to have gotten stronger. Agencies who have recontacted these families have very often found them to be viable resources for some of the children.

6. Lack of Requisite Skills and Knowledge

Twenty-five years ago, when I began as a child welfare worker, a "hard-to-place" child was an 18-month old white child or one with a remediable physical problem. Today's child welfare worker faces the challenges of placing troubled teenagers, and those children who have severe irremediable developmental problems. I had the advantage of the experience of gradually placing children who were more challenging. Today's caseworker comes in instantly needing to know how to make and sustain the kinds of placements that require the most sophisticated knowledge and skill. At the same time, agencies are requiring even less formal training for entry level workers and Federal and State monies for in-service training and education have been cut back. Recently, at a training session I gave in the South, I learned that four of the six workers in a county adoption unit were high school graduates. One bemoaned that she knew little of normal early childhood development and yet was expected to help select parents for developmentally delayed youngsters. This agency could only afford to send two of their workers to the training session.

Empathy and the knowledge that life's experience brings are valuable and every social worker needs them, but they are no substitute for valid formal training in basic skills and knowledge a caseworker needs.

Volunteers and ancillary disciplines need adoption knowledge as well. Without it how does a Court Appointed Special Advocate or foster care supervisor know when a plan for long-term foster care is more appropriate than adoption? How does a judge make that same decision in a dispositional hearing? How can residential treatment staff know if an agency can deliver an adequate family?

We also need more minority staff at every level of child welfare and adoption service delivery. Moreover, all staff should receive training to upgrade their cultural sensitivity in regard to issues relating to the removal of minority children from their homes as well as reunification and permanent planning. This would help, I believe, on two levels: one, in reducing the disproportionate number of minority children who enter foster care in the first place and secondly, by shoring up reunification and recruitment activities aimed at moving minority children to their natural home or into an adoptive home at a faster rate than currently exists.

5. Discouraging Societal Conditions

There are and always have been forces outside of agency control which influence whether people will adopt or not. Two very strong factors are the economy and norms about family size and composition. The two are often inter-related.

The Economy -- Whenever there is a down cycle in the economy, it becomes more difficult for us to recruit foster and adoptive families. The reasons are apparent -- families are reluctant to add more children if they are uncertain whether they will have a job. More importantly, families fear that more children might reduce their standard of living.

We know that minority families tend to feel the effects of the economic down turn more quickly. They move out of recession cycles less quickly than others. It is no surprise to those of us in agencies that in times of economic uncertainty, adoptive parents for special needs children are harder to find. Some are not willing or able to pay fees which some agencies charge. I recently heard of agencies charging fees to parents who want to adopt minority infants.

Some workers handle parents so that they flee in frustration. Put off by irksome home study procedures or insensitive questions, parents who came offering themselves for children are left feeling unwelcome.

Changes in family lifestyle have also influenced the supply of parents. Today, it is more common to find both parents working. Adopting a child, particularly one with special needs requires complicated and frequently unavailable child care and respite care. Family size is smaller. Fewer families see more than one or two children as desirable. There are a growing number of couples who choose to remain childless. In short, there are fewer cultural or economic tugs at the family to increase its size.

Recommendations

What is to be done? Certainly, a continued improvement in the nation's economy would help. A national campaign to reaffirm the value of families would also help. But, the remedies would need to be more specific.

One certain solution to the problem of too many children in foster care awaiting adoption may be to reduce the number of children, particularly minority children, who enter foster care in the first place. The Child Welfare League of America strongly supports and recognizes the use of necessary and appropriate foster care. Foster care is only one of a number of child welfare programs which form a continuum-of-services -- or bridge, if you will -- providing a safe passage for children who, for whatever reason, are placed in out-of-home care. Ideally, our goal is to move all children through this continuum-of-care into situations which most closely resemble a family setting. We all know that a permanent, stable family situation works best for children and is far less costly to the government, both now and in the future. We believe that the reform mechanisms set into place by P.L. 96-272, the Adoption Assistance and Child Welfare Act of 1980, have greatly improved the child welfare system and have worked to insure that children today are not inappropriately placed or unnecessarily delayed in foster care. The system of reviews established under P.L. 96-272 have done much to provide "a safe passage" for children who must be placed outside their home.

We also recognize the need for and support the appropriate use of long-term foster care, which may, in some instances, be the most family-like setting ultimately available for the child. For example:

> Billy, who is 10 years old, has been in foster care for 4 years. He was originially removed from the home because of severe physical abuse (he entered care with serious burns inflicted by his mother as well as serious "paddle" marks all over his body). After two years of foster care, he was sent home but the placement lasted only 2 months because the mother continued abusive behavior. As a result, Billy has serious emotional problems, is extremely hostile to both children and adults and has been through 3 family foster homes. He is currently in a special educational classroom setting and receiving intensive psychiatric counseling. His psychiatrist feels he is beginning to "turn around" and should stay in the foster home he is currently in. The mother wants Billy returned although Billy does not want to go home. The agency is unable to terminate parental rights and is working with the mother on parenting skills. The foster parents are also involved in efforts to reunify Billy with his mother -- the mother often comes to dinner and has been on a weekend trip with Billy and his foster family. The prognosis for Billy returning home within the next 6 to 12 months is good. This is the first time he has experienced any type of stability in his life and he is responding well. (Franklin County Children Services, Ohio)
>
> Greg entered a foster placement when he was 13. His mother and father were divorced and he had no contact with his father. His mother had severe emotional problems and although Greg and his mother saw a counselor, they were physically abusive to one another, which prompted the need for placement. Greg was also involved in stealing and had truancy problems. He was in a residential treatment facility for the first year of his placement then moved into a family foster home, where he has been for 2 years. He has received his high school diploma -- was on the high school debate team and received a scholarship and is about to enter college. He has continued to stay with his foster family while maintaining some relationship with his mother. (Orchard Place, DesMoines, Iowa)

These are but a few examples of situations which create the appropriate need for long-term foster care. Contrary to the mythology in some of the testimony you have heard, abuse in foster care is the exception not the rule. The Child Welfare League of America supports the use of foster care but opposes its unnecessary use, which I believe often results from the lack of services aimed at preserving families and preventing family separation. Such services are funded, at the Federal level, primarily from two programs: Child Welfare Services and the Social Services Block Grant -- Titles IV-B and XX, respectively, of the Social Security Act. Child Welfare Services, as part of the child welfare reform brought about by P.L. 96-272, is specifically intended to provide services which prevent a child's removal from his home or where removal is necessary, to provide reunification or permanent planning services; thus, insuring the child's prompt return home or placement in a permanent adoptive home or long-term foster care. The Title XX Social Services Block Grant program was also assumed to be part of this reform affort and, in many States, serves as the primary funding source for such services. Unfortunately, however, both of these programs are severely underfunded -- Child Welfare Services is currently funded at $200 million, far below its authorized level of $266 million and the Title XX Social Services Block Grant is frozen at its authorized level of $2.7 billion. Intensive family-based services could help to keep children with their original families; thus, preventing unnecessary foster care to begin with. However, to do this, adequate funding to provide the necessary support services must be in place. We are attaching for your consideration a description of those services we think are vital to this effort.

There is also a need to fully fund the Adoption Opportunities Act, which is currently funded at $2 million, also far below its authorized level of $5 million. Additional funds from this program, we believe, could help to address many of the barriers identified above -- training of adoption workers, greater outreach efforts to identify homes for special needs children, recruitment efforts targeted specifically at black homes for black children. In regard to the latter, we know that specifically targeted efforts aimed at identifying black homes can and do succeed. Black Homes for Children in Detroit, Michigan and Washington, D.C., both League agencies, have had much success in placing black children with special needs in black homes. In Washington, D.C., for example, since April of 1982, 99 black children have been placed with black families and currently, there are 40 black homes waiting for children 7 years and under. The Illinois Department of Children and Family Services, a League member, has also demonstrated that specifically targeted and focused programs aimed at identifying black homes works. With an emphasis on worker training programs and developing a grassroots network through black foster and adoptive parent groups, Illinois, in 1984, consummated 945 adoptions -- 395 or roughly 41% of which were black children. In 1980, there were 702 blacks waiting for placement in the City of Chicago alone, today, in 1985, there are 34 black children waiting for a home. Homes for children of all color can be found but we need help in developing comprehensive training and recruitment programs. Such programs can be funded by the Adoption Opportunities Act and we, therefore, encourage and strongly urge this Committee to follow its own recommendation and urging for the full authorization level of $5 million for the Adoption Opportunities Act in FY 86, by communicating this need to the Senate Appropriations Committee for its consideration in the upcoming mark-up of FY 86 appropriations.

Furthermore, this Committee should encourage the Secretary of Health and Human Services to target demonstration, technical assistance and research funding for special needs adoption. Some of the requests for proposals could be targeted to further identification or dissemination of existing programs which:

- Encourage foster parents and their relatives to adopt;
- Equitably arrange purchase-of-services;
- Reunite legally freed children with biological families; and
- Involve more minority groups in the search for families.

Finally, we need to keep the spotlight on these children who wait. We are pleased that this Committee chose to explore these issues and are encouraged and gratified that the announcement of these hearings was accompanied by the desire to form an ongoing Congressional Coalition on adoption issues. The Child Welfare League of America would like very much to join you and the National Committee for Adoption as a member of this Coalition.

We must maintain the source of improvement which followed the passage of the Adoption Opportunities Act and P.L. 96-272. The fact that there are at least 33,000 legally free children who need families is reason enough. The suspicion that far more children are waiting and have not been identified is compelling. There are still, shamefully, too many children who without our continued efforts will be deprived of family, not just for their childhood but for the rest of their lives.

We applaud the Committee's efforts in this regard and appreciate the opportunity to share our views and work with you in these efforts.

APPENDIX

A. List of Family Builders

B. Clark Foundation booklet "Keeping Families Together: The Case for Family Preservation"

Footnotes

1. See Child Welfare Research Note #2, December 1983 in Gershenson, Maza, Fusillo, "Child Welfare Research Note #1-6" Children's Bureau, Administration for Children, Youth and Families, Office of Human Development Services, Department of Health and Human Services - April 1984.

2. Seelig, George G., "The Implementation of Subsidized Adoption Programs: A Preliminary Survey", *Journal of Family Law*, Vol. 15, No. 11, 1976-77. pp. 732-769.

FAMILY BUILDERS ROSTER
April 30, 1985

CHILDREN UNLIMITED, INC.
Ms. Carolyn Wolff, Director
P.O. Box 11463
Columbia, S.C. 29211
(803-799-8311)

LUTHERAN CHILD & FAMILY SER.
Ms. Sharon Moynihan, Director
6127 South University
Chicago IL 60637
(312-753-0610)

NEW YORK SPAULDING FOR CHILDREN
Ms. Kay Donley, Director
22 W. 27th St., 10th Floor
New York, N.Y. 10001
(212-696-9560)

FAMILY BUILDERS BY ADOPT.
Ms. Pat. Montgomery, Dir.
1515 Webster St. Cole, Director
Oakland, CA 94612
(415-272-0204)

PROJECT IMPACT
Mr. Bob Lewis, Director
25 West St. 3rd fl.
Boston, MA. 02111
(617-451-1472)

SPAULDING FOR CHILDREN
Ms. Judith K. McKenzie, Director
3660 Waltrous Road
P.O. Box 337
Chelsea, MI 48118
(313-475-8693)

SPAULDING FOR CHILDREN-S.W.
Ms. Kitty Clement, Director
4219 Richmond Ave., Ste. 100
Houston, TX. 77027
(713-850-9707)

Women's Christian Alliance
Ms. Ann White, Exec. Director
1610 N.Broad Street
Philadelphia, PA. 19121
(215-236-9911)

MEDINA CHILDREN'S SERVICE
Ms. Betty-Higley
123 16th Ave. P.O.22638
Seattle, WA. 98122
(206-324-9470)

PEIRCE-WARWICK ADOPTION
Ms. Helen Davis, Director
5229 Connecticut Ave., N.W.
Washington, D.C. 20015
(202-966-2531)

PROJECT CAN, FAMILY SERVICE CENTERS
Ms. June Fountain, Director
2960 Roosevelt Blvd.
Clearwater, FL. 33520
(813-531-0481)

SPAULDING - BEECH BROOK
Mr. John Cowles, Director
3737 Lander Road
Cleveland, OH. 44124
(216-464-4445)

SPAULDING FOR CHILDREN
Mr. John Boyne, Director
36 Prospect Street
Westfield, N.J. 07090
(201-233-2282)

SPAULDING MIDWEST
Mr. Don Pearson, Director
1855 North Hillside
Wichita, KS. 67214
(316-686-9171)

QUESTIONS FOR ELIZABETH COLE

1. IN YOUR VIEW, WHAT IS THE PRIMARY BARRIER TO THE PERMANENT PLACEMENT OF THE ESTIMATED 50,000 SPECIAL NEEDS CHILDREN LEGALLY FREE FOR ADOPTION?

2. OTHER WITNESSES WHO HAVE APPEARED BEFORE THIS COMMITTEE ADDRESSING "BARRIERS TO ADOPTION" HAVE STATED THAT MANDATORY DATA COLLECTION IS NECESSARY TO ENSURE THE ACCOUNTABILITY OF PUBLIC AGENCIES. WHAT IS YOUR ORGANIZATION'S VIEW ON THE NEED FOR MANDATORY DATA?

3. BASED ON YOUR EXPERIENCE, WHAT RECOMMENDATIONS DO YOU HAVE ON THE IMPLEMENTATION OF THE INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE SO AS TO BENEFIT THOSE IN NEED?

4. WHAT DO YOU SEE AS THE MOST SIGNIFICANT BARRIERS TO THE ADOPTION OF BLACK AND OTHER MINORITY CHILDREN INTO PERMANENT FAMILIES?

5. HAVE PUBLIC AND PRIVATE AGENCIES MADE SIGNIFICANT INROADS IN RECRUITING FAMILIES TO ADOPT THE WAITING AND AVAILABLE MINORITY CHILDREN?

6. WHAT CAN BE DONE TO ENCOURAGE MORE PRIVATE SECTOR INVOLVEMENT IN PROMOTING THE ADOPTION OF CHILDREN WITH "SPECIAL NEEDS?"

7. DO YOU HAVE ANY FEDERAL OR STATE LEGISLATIVE RECOMMENDATIONS TO PROMOTE MORE "SPECIAL NEEDS" ADOPTIONS?

Senator **Hawkins**. Mrs. Diaz—we have 5 minutes before I have to leave to vote. I apologize for rushing you at the last minute.

Mrs. **Diaz**. Thank you. Ladies and gentlemen, Senator Hawkins, my name is Linda Diaz, from Tampa, FL. My husband and I are the parents of a special-needs child. Our son, Elliott, was considered a special-needs child because his father was Hispanic, his mother was half Italian and half Irish, and there was a family history of medical problems such as mental illness, epilepsy, and alcoholism.

The attorney handling his case had tried without success to find parents for this unborn child. After being turned down by approximately 20 couples, the attorney was given our name by a colleague of his.

With very little hesitation, our family agreed to adopt him. Our son was 47 hours old when he joined our family. We truly have been privileged to have this child. The joy, happiness, laughter, and delight he has brought into our home has been an experience we would not trade for anything—even the Kentucky Derby.

Every member of our family has become a better person for having known and enjoyed this little boy.

We are here to discuss the barriers to special needs adoptions. I am a mother, a registered nurse, and a citizen, who is deeply concerned that this portion of our Nation's greatest resource—its special children—needs attention and solutions to break through those barriers.

I offer the following suggestion—that it is a simple lack of information on children awaiting adoption. We have talked about that a lot today, and it is something that is very important to me. No one knows how many children are legally free for adoption in this country. There is no mandatory system for gathering and reporting information on the status of children who need to be adopted. There is no master listing of these children which can be considered by families who want to adopt.

It is essential that the Federal Government mandate child-specific data collection systems in the States, so that each State has a list of all its legally free children. These State listings could be sent to the National Adoption Exchange and compiled into a national list available to families and agencies. However, this would require continued Federal support for the National Adoption Exchange. It is unrealistic to expect the States to consider special needs adoptions a high priority and invest their social service dollars in the program for these children if the Federal Government does not provide the States with a mechanism to identify families outside of their State when necessary.

Yet another barrier is the lack of medical assistance for children who move across State lines when adopted. Perhaps the most significant barrier facing families who adopt special needs children is the inability to receive medical assistance when they adopt a child from another State, or when their family moves across State lines.

A child who has been issued a medical assistance card in one State cannot use that card for the services in another State. This creates an enormous burden for families who have adopted handicapped and/or emotionally disabled children, with the understanding that the special medical, psychiatric and/or psychological services required by the child would be provided through the Medicaid system.

Changing Federal regulations regarding Medicaid would be the swiftest solution to this problem. I recommend that there be one national program that would eliminate the State-by-State requirement. Therefore, if they moved from one State to another, they would immediately be eligible for medical assistance in the receiving State.

This type of change would not require States to enter into compacts. It would simply require an administrative procedure mandated by the Federal Government and carried out by the States.

Third, the agencies seem to be reluctant to approve adoption assistance to begin with. The availability of State and federally supported adoption assistance programs is a significant issue for adopting families. Many agencies are reluctant to approve moneys and say that a special-needs child can and should be adopted without financial support. One possible solution is a requirement that all families be told of their right to request financial support for a special needs child at the time of the home study, not later.

I truly believe in the philosophy that there are no unwanted children—just unfound parents. Perhaps, if any, or hopefully all, of these suggestions could be implemented, many more of our Nation's special children could become part of a permanent family.

I thank you for your time.

Senator **HAWKINS**. Thank you very much.

You have all contributed greatly to our record. We have some questions that we would like to ask and they will be submitted to you in writing for the record. We appreciate your testifying on this solvable problem.

[Additional material received for the record follows:]

15 Wesel Drive
Nanuet, N. Y. 10954
Tel. 914 623-2677
July 17th., 1985

Nancy Taylor
Committee on Lobor and Human Resources
SD 430
United States Senate
Washington, DC 20510

Dear Ms. Taylor:

I would greatly appreciate the attached written testimony being included in the printed record on the July 10th. hearing on barriers to adoption.

Thank you.

Very truly yours,

EDWARD BRANCA, JR.

STATEMENT OF EDWARD BRANCA, JR.
15 WESEL DRIVE
NANUET, NEW YORK 10954
Tel. 914 623-2677

I respectfully request Congress to consider enacting legislation, possibly as an amendment to the reauthorization of P. L. 96-272, to reunite brothers and sisters who are separated by adoption or foster care, and to prevent brothers and sisters from being unnecessarily separated in future adoptions and foster care placements. More often than we would like to think, brothers and sisters have been separated, often unnecessarily, and then denied the right to ever see each other again.

While I am not an expert on social service law, I believe few states have laws on their books to grant adoptees a right of reunion with brothers and sisters they have been separated from, even in cases where siblings were adopted by different families. While I have not done any research, I would guess that few states have laws on their books to require that, whenever possible, brothers and sisters who are available for adoption, be adopted by the same family. I was told by a person who lives in Maine, that Maine only stoped separating brothers and sisters a few years ago. I regret to say that my own state of New York has not enacted a law to reunite separated siblings, even in cases where siblings who were separated as children have reached adulthood, and had been adopted by different families. A New York state bill, S4937-A/A5042-A, to require that whenever possible, brothers and sisters be adopted by the same family, has passed the state Assembly, though as of June 18th., it has not passed the state Senate. The following are some of the tragedies which have occured when brothers and sisters were separated.

During the Great Depression, a group of siblings were placed in foster homes in western New York state. One of the children, Janet, returned one day from school, to be told by an older sister, that "Baby Lillian," their sister, had been taken away by the adoption authorities. Janet Gervaise has not seen her little sister for over fifty years.

Donald Booth, whom the 1981 ABC-TV. movie, "A Long Way Home" was based, was adopted by one family; his younger brother and sister were adopted by another. Don, who, according to the movie, greatly missed his siblings, did not see them again until all were adults.

Lorrine Brewer, who grew up in North Carolina foster care, has been unable to locate or obtain identifying information on her brother and sister who were adopted. It is a misdemeanor, under North Carolina law, to disclose information contained in adoption files.

Last year, after seeing a news report on the reunion of two brothers who had been separately adopted and denied contact with each other, I called the adoptive parent of one. When I asked her why the adoption agency didn't provide the childrens' adoptive parents with each others names and addresses, so that the children could keep in contact, she told me, "they don't tell you that."

In 1983, a set of separately adopted identical triplets were reunited, at the age of fifty-seven.

The list of these tragedies could go on and on.

The International Soundex Reunion Registry, (ISRR), attempts to reunite adoption separated families by matching dates and places of birth. Emma May Vilardi, who Chairs the ISRR., states that, "Families of six to twelve children, all full siblngs, were separated by adoption and foster care. War, depressions and the death of parent(s) are common denominators in the separation of large families." According to the ISRR's. 1984 annual report, 106 people, who know they have a twin they were separated from, are registered with the ISRR., in hopes their twin will also register.

(MORE)

I wish to point out how information given to adoptive families by adoption agencies can be false.

The February, 1981 issue of Good Housekeeping ran an article, "The Triplets Who Found Each Other," which is the true story of the accidental reunion in September, 1980, of a set of identical triplets who had been separately adopted shortly after their birth on July 12, 1961. The article stated that, after the triplets reunion, the adoption agency they were placed by, Louise Wise Services, told the triplet's adoptive parents that they were the last multiple birth babies who were separated. None of the triplet's adoptive parents had been told the children were multiple birth babies.

In May, 1985, I received a phone call from a woman who gave birth to brother-sister twins on June 23, 1969, eight years after the triplets were born. The "birthmother" surrendered the twins to Louise Wise Services. She told me that, shortly after the twins were born, she returned to Louise Wise Services, to see if the twins were being placed with the same family. Louise Wise told her that they would not attempt to place the twins together, unless prospective adoptive parents came to them requesting to adopt a set of twins. They would not ask prospective adoptive parents if they were willing to adopt a set of twins. So the twins were separated. When an adoption agency separately adopts siblings, it receives a fee from each set of adoptive parents, instead of receiving only one fee if the children are adopted by the same family. Louise Wise Services also conducted research on the effects of heredity by studying the multiple birth children it separated.

(MORE)

I have been told that Louise Wise Services separated many multiple birth babies, and has given false information to adoptees and adoptive parents.

PLAN FOR ENACTMENT OF "SIBLINGS' RIGHTS"

I have developed a plan to keep brothers and sisters together, in foster care and in adoption, and to reunite separated siblings. When I use the words "brothers," "sisters" and "siblings," I am, of course, referring to half-siblings as well as to full-siblings. I urge this plan be mandatory on states which receive federal aid for their foster care or adoption programs.

Siblings not be separated, in foster care or in adoption, unless absoulutely necessary i.e. when no family is willing or able to take all the children in a sibling group.

II That separated siblings, or, if they are minors, their legal parents, be allowed to obtain identifying information.

When siblings are minors, one (set of) parents should have a legal right to request a third party, perhaps the court, adoption agency or private organization, to contact the other (set of) parents to ask if they wish a reunion. If they agree, identifying information would be provided. If they decline, identifying information would not be provided, and the parent(s) notified of the turn down.

Adults should be allowed access to identifying information on their adult siblings without anyone's consent. (In many cases where siblings have been separated many years, the sibling won't be able to be located by the third party. Providing identifying information will help people in tracing their siblings.)

I do, though, believe it might be advisable if courts were allowed to withhold identifying information in cases where a sibling is developmentally disabled or suffering from serious mental illness. I do not believe that reunion should be denied in all such cases, as, in many such cases, brothers and sisters are the only family the person has left.

(MORE)

I urge that the right to obtain identifying information on siblings be allowed even in cases where a sibling(s) remain(ed) with the birthparent(s).

While I know revealing birthparents identity, even indirectly, is controversial, I urge that non-adopted, but separated, siblings be allowed reunion.

The Washington [state] Adoptee's Rights Movement, (WARM.), has been authorized in many of Washington's counties to act as "confidentual intermediary," to contact separated by adoption family members to ask if they wish a reunion. WARM. finds that ninety percent of the family members it contacts agree to a reunion. While I have no statistics on this, I assume that the vast majority of WARM's. intermediary contacts are on behalf of adoptees who wish to be reunited with their birthparents and vice versa. This, plus my own reading of adoption literature, as well as my own contacts with birthparents and other adoption separated and reunited people, has totally convinced me that the vast majority of birthparents wish to be reunited with surrendered children. I can only assume that, when the surrendered child has a brother or sister, the desire for a reunion is even greater.

I urge that the right to obtain identifying information apply to past adoptions and foster care placements, as well as to future cases. While I know Congress does not like to make regulations retroactive, I urge an exception be made to allow separated in the past brothers and sisters to be reunited. After all, these are cases where brothers and sisters who had nothing but each other left, were denied even each other. The information needed to reunite these siblings is locked away in a court or agency file, and denied to those, like Ms. Brewer, who need it most.

I suggest that Congress consider making the right to obtain identifying information enforceable by federal courts. Congress might wish to declare that the Constitutional protection of family relationships gives Congress the power to enact siblings' rights legislation.

(MORE)

III That prospective adoptive and foster parents be informed if the child they plan to adopt, or take in as a foster child, has sibling(s), and, if so, if they are:

a. not surrendered

b. available for adoption or foster care

c. have been adopted

The fact that Louise Wise Services, and other adoption agencies, separated multiple birth babies, without telling the children's adoptive parents, explains why this regulation is necessary.

WHY STATE ADOPTION REGISTRIES ARE NOT THE SOLUTION

I believe that state adoption registries, which are being created by state legislatures in a number of states, including New York, are not the answer to the question of how to reunite separated siblings. I believe this for the following reasons.

Brothers and sisters who are separated had no say in the decisions which separated them from one another. Therefore, the law should make it as easy as possible for siblings, particularly adult siblings, to be reunited.

Professor Thomas Bouchard, of the University of Minnesota's Psychology Department, has studied about sixty-five sets of twins and triplets who were separated early in life, and reunited as adults. Professor Bouchard has told me that, while all his subjects have not had perfect reunions, none wishes the reunion had not happened. Professor Bouchard was not involved in separating siblings. He supports reuniting families who are separated.

A person who is active in helping adoptees search for birthfamily members, has told me that she knows of only a few reunions between separated siblings which were not sucessful. I thus believe that the vast majority of separated brothers and sisters wish a reunion.

(MORE)

State laws which govern adoption registries require that adoptees be adults before they may register. Most, if not all, state registries do not allow adoptive parents to register their minor children. To force parents to say to their child, that he may see his brother or sister again when he is an adult, is nothing more than government mandated child cruelty.

In order to register with the New York state adoption registry, adoptees must be over the age of 21, been born and adopted in New York state, and pay a fee of at least $45.00. (No small amount to many adoptees.) For this fee, adoptees receive certain non-identifying information on their birthparents. For a "match" (reunion) to take place, one or both birthparents, as well as the adoptive parents (if living) must register. Also, more fees must be paid. The registry, by the way, is prohibited from soliciting a registration from anyone, or accepting registrations from separated siblings.

I would like to point out, that several states require or allow that amended birth certificates, which are issued to adoptees and adoptive parents (In most states, original ones are sealed), change not only the names of the adoptee's parents, but the place of the adoptee's birth. A person adopted in any of these states, might not know where he was born, and thus not know which state registry, if any, he can register with. There are also siblings who were adopted by families in different states. Not to mention siblings are separated by foster care.

The following are some of the laws Congress has, in recent years, passed, which pre-empt state authority.

The Family Educational And Privacy Act of 1974 (Buckley Amendment), which requires school districts to grant access to student's school records to parents, and to persons over the age of 18 who have left school.

(MORE)

The equal access provisions of the math and science education law, which require school districts to allow students to conduct religious worship in school buildings, during non-school hours.

The law which requires states to enact a minimum drinking age of 21, in order to receive their full allotment of federal highway aid.

The following states change adoptees place of birth on amended birth certificates. (Information may not be up to date.)

States where place of birth must be changed:

Kentucky

Mississippi

North Carolina

States where place of birth may be changed:

California

Georgia

Illinois

New Jersey

Wisconsin

The following are addresses and telephone numbers of organizations mentioned in testimony.

International Soundex Reunion Registry
Emma May Vilardi
Box 2312
Carson City, Nev. 89702
Tel. 702 882-6270

(MORE)

Good Housekeeping (commercial magizine)
959 8th. Avenue
New York, N. Y. 10019
Tel. 212 262-5700

Louise Wise Services
12 East 94th. Street
New York, N. Y.
Tel. 212 876-3050

Washington Adoptee's Rights Movement
220 Kirkland Avenue
Kirkland, Wash. 98033
Tel. 206 827-6680

Professor Thomas Bouchard
Minnesota Center For Twin And Adoption Research
Psychology Department
Elliott Hall
75 East River Road
University of Minnesota
Minneapolis, Minn. 55455
Tel. 612 373-0161

Respectfully submitted,

Ed Branca Jr
EDWARD BRANCA, JR.

WRITTEN TESTIMONY BEFORE THE SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES

By

THE BLACK ADOPTION PLACEMENT
AND RESEARCH CENTER

952 Magnolia Street
Oakland, California 94607
415-839-3678

To : Senator Orin Hatch
From: Alice R. Washington, ACSW
Executive Director

Good morning; my name is Alice Washington and I am Executive Director of The Black Adoption Placement and Research Center in Oakland, California. The Black Adoption Placement and Research Center (BAPRC) is a small non-profit organization licensed by the State of California to place Black and mixed Black children for adoption and to accept relinquishments for adoption. The Agency specializes in the placement of Black children with Black families. Our goal is to place between fifteen (15) and twenty-five (25) children of all ages for adoption annually.

Unfortunately, because of the cost I am unable to travel to Washington, D.C. to present this testimony in person, however, I would like to submit written testimony on Barriers to Adoption for the record on behalf of the board of directors of BAPRC.

There are more than enough Black families to adopt Black children who are free for adoption. According to a national survey conducted by The National Urban League "there are about 2.5 million Black households interested in adopting a Black child." The problems are in the system which creates artificial barriers for Black families who want to adopt Black children.

The greatest barrier to the adoption of Black children is agency policies and procedures. Policies are insensitive and tend to "screen out" Black families. For example, in one of the bay area counties in California it was reported by a worker that the agency in which she worked does not place Black children with Black families because when workers want to remove children Black families do not want to give the children back.

The exclusion of single parents is another policy issue which discriminates against Black families. Single parents are treated like second class citizens. They are often told that they can only adopt older children or handicapped children. They are not permitted to adopt infants. This latter is true even when there are no couples available to adopt the particular infant. The infant then lanquishes in foster care for years with no one to advocate for him and pretty soon he/she becomes a more difficult to place, preschool age child.

Staff attitude is another barrier to the adoption of Black children by Black families. A four year old Black male child was placed with a white, single male when there were Black families available to adopt him. The worker felt that the white male was better off economically to provide the child with material things. The child's identity and self-esteem were secondary to what the worker felt were his material needs.

Worker's attitude toward religion and cultural differences makes them very suspicious of Black families. For example, one worker in a county agency with a very large number of Black children wanted to know if The Church of Religious Science was a religion culture. In another instance a worker did not want to place an infant with a couple because the male partner was 50 years old and she was concerned about his energy level. The wife was 35.

In Schools of Social work workers are taught about the pathology of Blacks. Workers then transfer the information into practice by looking for the weaknesses in Black families, not the strengths. They tend to read negatives into a perfectly positive situation. For example, one county worker was suspicious of a family who was vegetarian. She felt the child would not get any meat to eat and this was not good. Another worker wanted to know why a woman who was a college professor wore an earring in her nose. She spent an hour interrogating her about the earring.

Special adoption recruitment projects sponsored by Black organizations have clearly demonstrated that adoption services designed for and located in the Black community are successful in recruiting Black families for Black children. In spite of these successes, however, adoption agencies still fail to do any recruitment aimed specifically at the Black community. Agencies resist this kind of out-reach by saying they do have enough staff and/or that recruitment is too costly. The reality is that agencies do not want to spend the time to really advocate for Black children. They prefer to perpetuate the myth that Black families do not adopt Black children.

According to statistics from The National Center on Child Welfare at The University of Iowa School of Social Work Black families adopt at a rate which is higher than that for other comparable groups - 4.5 times greater to be be exact. Robert Hill in his book Informal Adoption Among Black Families, 1977 documents the fact that Blacks hold a long tradition of informal foster care and adoption. Clearly then there are enough Black families interested in adopting Black children if provided with appropriate non-discriminatory adoption services. The Black Adoption Placement and Research Center has no trouble recruiting Black families to adopt Black children. In some instances when we cannot locate the children fast enough families find them for us!

SOLUTIONS

There are many solutions to the elimination of barriers to Black adoption. I would like to mention only a few.

1. National legislation needs to be strengthened to better hold agencies accountable for documenting the efforts agencies make to find Black families for Black children who are available for adoption. Agencies now make no effort to outreach to the Black community. They just keep a child on "hold" until 90 days are over and then when no Black family come forward agency claim they have done all they can to find the child a permanent home through adoption.

Related to strengthening legislation is the need to reward agencies for placing Black children with Black families.

2. There needs to be better monitoring of agencies for compliance with pro-Black adoption practices. Fines should be levied when agencies are not in compliance.

3. Recruitment of more Black staff at all levels is needed. Black agency staff must be recruited and those recruited must be knowledgeable about cultural differences and about the strengths of Black families. They also should respect and appreciate the variety of Black family lifestyles and how to approach the Black community.

In conclusion, the board of directors of The Black Adoption Placement and Research Center thank you for the opportunity to present its testimony in writing. We strongly urge you to use the information to help eliminate those barriers to Black adoption.

Submitted by,

Alice Washington

Alice Washington, ACSW
Executive Director

Wall Street Journal
May 10, 1985
Op-Ed Page

Happy Birthmother's Day

By Bruce Chapman

You were a teen-ager and very much alone. Your boyfriend urged you to get an abortion and thought that you had done so. He also broke off the relationship then. You didn't tell your parents anything of your pregnancy because you knew they would feel humiliated and angry. They did finally figure it out and, yes, at the end they all but abandoned you, even hinting that they wished you had secretly had an abortion to spare them their "shame."

But you could not bring yourself to abort your baby. And it also became clear to you that you were in no position to raise a child alone. My wife and I know from the adoption agency that you quit school in about your fifth month, managed to hold on to a part-time job, got in to see a doctor and, finally, with surprising ease, gave birth to a nine-pound baby boy – our son.

Only some 50,000 women each year make the choice you did. In fact, no one even knows the correct numbers for sure because the federal government stopped collecting adoption statistics in 1975. In contrast, we do know that abortions now number about 1.6 million annually – more than one in four pregnancies. Out-of-wedlock births also have risen – to about 715,000. According to the National Committee for Adoption, only 10% of women who bear babies out of wedlock today relinquish them for adoption, compared with approximately 80% a generation ago.

Changing mores that have decreased the stigma of unmarried single parenthood and improved public assistance for single mothers (by no means lavish, but better than a generation ago) have made unmarried single parenthood less forbidding. Some argue that the availability of welfare benefits actually stimulates out-of-wedlock births in certain poor families.

Meanwhile, however, adoption has become virtually the "forgotten option," as President Reagan calls it.

Philanthropy over the years moved away from support of maternity residences, the number of such residences dropping from 201 to 100 from 1966 to 1981. Only recently have some churches and private charities returned to this field. Yet the need for a safe haven is great. As you know, today's pressure on an unwed prospective mother considering placing her child for adoption is not so much the moral opprobrium of old, based on a chastity code, but the peer pressure of other young people, who, in contradictory fashion, argue first the "smart" course of abortion, and then, when birth is coming, censure a woman if she is going to "give away" her baby. A woman who thinks first of the well-being of her infant and perhaps her own long-term emotional well-being as well, and, accordingly, considers placing her child for adoption, often is left to shift for herself unless she connects early with a well-funded adoption agency or a sympathetic and generous doctor.

Many social agencies and doctors neglect to describe adoption as a practical option, let alone the best one. In most cases, if abortion is rejected, the professionals in the field tend to act on the medical conviction that "healthy mothers mean healthy babies," which concludes that since relinquishment is an emotionally trying process in the short term, readying a young woman for a well-supported single motherhood (probably on welfare) is the best way to conduct the pregnancy.

Recently, some social workers' opinions seem to be turning back toward the adoption option. Already there has been a turnaround on foster care, spurred in part by the Department of Health and Human Services. Whereas the practice until a few years ago was to cycle even permanently abandoned children through a long series of foster-care homes or institutions, today the federal government promotes the adoption of any child who is unlikely to be returned to his original parents. But an estimated 33,000 such children, most of them older, handicapped or from minority racial backgrounds, remain in foster care, awaiting more aggressive adoption efforts by the agencies in charge of them.

What we know about children raised in long-term foster care or in single-parent homes where no paternal responsibility exists (especially households headed by a never-married teen-ager) is that the statistical likelihood of child abuse, serious neglect, poverty, drug use, suicide and involvement in crime is far greater than in the population as a whole. Some children raised in such circumstances fare well, usually thanks to a determined mother, but the odds are not good.

The relative decline of adoption is most regrettable because it is entirely unnecessary. Trends of delayed marriage and child rearing in our time have contributed to high infertility rates, even though childless couples are better off financially than ever before. Several million American men and women are in fertility treatment. The waiting lists at adoption agencies have never been so long.

Yet young women like you still run an obstacle course to make what is often the best resolution of a difficult problem – the best for the child, society and for you – the birthmother. Even if the obstacle course were made an easy path, the adoption option probably would not secure the support it once had. But who can deny that it would be chosen more often than it is today?

The Reagan administration has made important efforts in promoting adoption, guided primarily by the president's own strong feelings on the subject. But adoption still lacks strong political or programmatic backing from any sphere. The National Committee for Adoption is not nearly so well funded as comparable advocacy groups. As for media and the entertainment culture, I cannot think of a single positive newspaper or magazine article or television program in recent years describing the perspective of a birthmother who chose placing her child for adoption.

Yet you are remembered. Adoptive parents and their children remember.

In our own case, there are two birthmothers our family keeps in its prayers today, for your son has a one-year-old brother now. We also sent the second boy's birthmother a letter after his birth, also forwarded anonymously through the adoption agency. We understand our new son's birthmother cried when she read it, just as you did. The adoption agency advised against flowers or other contacts, and maybe they were right.

But we think of you often, and are grateful. So will our son be when he is old enough to understand, for your choice meant survival itself, in the first instance, and then the chance to grow up with two parents in a secure home. It was the right decision for him, and we suspect that it was the right one for you. We think you may be finishing college now, and perhaps you soon will have a family of your own.

When you think back to the first baby you bore, it may be with some sadness. But we hope it is with some satisfaction and pride, too, in knowing that you are blessed by at least three people you don't know by name – on Mother's Day.

Mr. Chapman directs the White House Office of Planning and Evaluation.

OF JUVENILE
NATIONAL COUNCIL
AND FAMILY
COURT JUDGES
ORGANIZED MAY 22, 1937

NATIONAL COUNCIL OF JUVENILE AND
FAMILY COURT JUDGES

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LOUIS W. McHARDY, Executive Director

July 31, 1985

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Honorable Orrin G. Hatch
Attn: David Rawlings
Senate Labor and Human
  Resources Committee
622 Hart Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Hatch:

Attached is the testimony we advised you would be forthcoming.

Best wishes for continued success in your arduous tasks.

Yours respectfully,

Louis W. McHardy
Executive Director
Dean, National College
  of Juvenile Justice

LWMcH:mm

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

PERMANENCY PLANNING FOR CHILDREN PROJECT

An estimated 300,000 abused and neglected children are harbored in foster care in the United States today. The happiest of endings for each of these foster care children is the rehabilitation and reunification of their natural families. That may prove impossible. A secondary solution is termination of parental rights to these foster care children and placement in a permanent adoptive home.

Too often, neither of these permanent alternatives are actively pursued by our judicial and social welfare systems. Instead, children are moved from one foster home to another and spend the formative years of their young lives lost in foster care drift.

Every day juvenile and family court judges come face to face with children in need of permanent placement. Family reunification is an answer for many. Termination of parental rights and adoptive placement is the only solution in other cases.

Yet not all children judicially freed for adoption find permanent homes. Adoptive children with special needs - older children, minorities, sibling groups, those with mental, physical or emotional handicaps - often spend their entire lives in foster care.

The annual taxpayer bill for foster care in the United States is estimated at $2 billion. The cost in human potential is beyond price. Research indicates that abuse and neglect lead to aggressive, anti-social behavior and delinquency. Yet numerous studies also conclude that return to a strong, permanent family can help to prevent foster children from becoming juvenile delinquents.

The movement of abused and neglected children toward reunification with their natural families or toward placement with an adoptive family often begins in the nation's juvenile and family courtrooms.

The National Council of Juvenile and Family Court Judges (NCJFCJ) is our nation's oldest judicial membership organization. It was founded in 1937 and presently represents about 2,500 members who include judges, court administrators, probation officers and other child welfare and juvenile justice professionals. The NCJFCJ recognized the plight of children adrift in foster care more than a decade ago when, in 1974, it established the Children in Placement Project.

Later renamed the Permanency Planning for Children Project, this effort has evolved over the past 11 years from a limited educational program for judges in selected jurisdictions to a nationwide project involving juvenile courts in all 50 states.

The major project focus remains training and technical assistance to provide judges and other child welfare professionals with the know-how to help move children through the system in a timely fashion and secure permanent placement for them within a loving family.

The project works through interdisciplinary State Permanency Planning Task Forces in all 50 states, which are guided in their efforts by "Lead Judges." Judges join with legislators, social service agency officials, private foundation representatives, volunteer citizen advocates and other key professionals to identify the laws, policies and practices which might be presenting barriers to permanent placement of foster care children.

This interdisciplinary team approach is producing:

- enhanced resources for abused and neglected children;
- improved prevention and reunification services;
- improved adoption laws and practices;
- increased public awareness of foster care problems and grassroots support for permanency planning;
- increased volunteerism;
- a reduction in the number of children who unnecessarily remain in foster care.

A principle tool in achieving the goal of a permanent home for each of the nation's 300,000 children in foster care is Public Law 96-272, the Adoption Assistance and Child Welfare Act. Passed in 1980 with the strong support of the NCJFCJ, the Act tied fiscal incentives to the permanent placement of children. It also attempted to break down barriers to adoption through subsidies encouraging the adoption of children with special needs.

But even the most well-intentioned legislation is only as good as its application. Most jurisdictions continue to require additional information and technical assistance to effectively implement P.L. 96-272, and the permanency planning it was intended to promulgate.

For instance, in October 1983, a special provision in the Act became effective which requires judges to include in all orders regarding the substitute placement of children a judicial determination that "reasonable efforts" were made to either prevent their placement in the first instance, or, if the child under review is already in foster care, that "reasonable efforts" have been made to reunify the child's natural family. Preliminary results of a recent NCJFCJ survey indicate that a large segment of the nation's juvenile judiciary remains either unaware of the requirement or are uncertain as to how to correctly comply with the "reasonable efforts" requirement.

Recognizing the need for judicial training in the area of permanency planning, NCJFCJ State Permanency Planning Task Forces continue to design and implement training seminar/workshops for judges and other child welfare professionals. The project's curriculum includes training in:

- * how to provide timely and sensitive judicial review of all children in placement;
- * services to prevent the dissolution of families;
- * services to reunify the families of abused and neglected children already in placement;
- * the innovative use of citizen volunteers to represent the best interests of abused and neglected children through service as Court Appointed Special Advocates (CASAs) or as members of Foster Care Review Boards;
- * adoption options, including adoption by foster parents, single-parent adoptions, trans-racial placements, sibling group placements, and open adoptions.

Specific information on adoption resources such as subsidized adoption assistance, adoptive parent groups, post-adoption services, and adoption exchanges and listing services, is also available to training program participants.

Judges and other recipients of training and technical assistance provided through the NCJFCJ Permanency Planning for Children Project report a better understanding of complex child welfare problems and the legislation designed to help solve them.

June 27, 1985

[illegible] D.C.

Senator Paula Hawkins
C/O Senate Committee on
  Labor and Human Resources
Washington, DC 20510

Dear Senator Hawkins:

We are writing to you about the barriers to Black adoption and what can be done to encourage and support Black families in the adoption process as the solution to removing these barriers.

The biggest barrier to the adoption of Black children continues to be the agency policies and practices and staff attitudes which discriminate against Black families. Statistics from the National Center on Child Welfare at the University of Iowa School of Social Work indicate that Black families adopt at a rate which is higher than for other comparable groups. This has been the result of hard won initiatives and legislation and financial support which have encouraged and supported agencies to change these discriminatory practices, and which have provided support to model Black adoption programs such as Homes for Black Children in Detroit, Michigan, and the Association of Black Social Workers' Adoption Service in New York City which have proven success records in recruiting and servicing Black families.

However, too often Black families continue to be discriminated against and many capable families are "screened out" of the adoption process because agencies and staff are not knowledgeable about Black family lifestyles and the Black community.

Here are some of the things which need to be done. Continue legislative and financial support at the national and state levels of programs, policies and practices which have been proven to encourage Black families to adopt. Monitoring of agencies for compliance with pro-Black adoption practices and the levying of financial penalties when in non-compliance will help to eliminate discrimination aganist Black families in the adoption process.

More Black agency staff must be recruited at all levels who are knowledgeable about the strengths of Black families, the variety of Black family lifestyles, and about working in the Black community. Additionally, mandated, on-going training on working with Black and minority families must be provided to all child welfare staff.

These are just some of the solutions to guaranteeing permanent homes for Black children with Black families. We strongly urge that you consider these issues when you look at removing the barriers to the adoption of Black and minority children in this country.

Sincerely,

CONCERNED CITIZENS FOR BLACK ADOPTION
271 West 125th Street,
Room 414
New York, NY 10027

CONCERNED CITIZENS FOR BLACK ADOPTION

Leora Neal, Director
New York Chapter
Association of Black Social Workers
Child Adoption Counseling and Referral Service

Shirley McCain, President
New York Afiliate
National Black Child Development Institute

Janice Shindler, Adoption Parent, CSW

Evelyn Eggleston, MSW, CSW,
Adoption Advocate

Eleanor Blakely, MSW

Edith Stroud, Adoption Parent

Dr. Robert B. Hill, Researcher

Brenda Smalls, CSW

James Satterwhite, Director
Family Dynamics

Moses Gray, Chairman of the Board
Homes for Black Children
Indianapolis, IND

ABSW Committed Parents for Black Adoption

Abdul-Rahmaan Muhammad, Adoptive Parent
Child Welare Specialist

Patrick Hylton, President
New York State Minority Adoption Coalition

James Nemly, Adoptive Parent

Alic Nemly, Adoptive Parent

Sheryl Larrier, CSW

Alfred Herbert, MSW, Executive Director
Lower Eastside Family Union

July 1985

Senator Orin Hatch
C/O Senate Committee on
Labor and Human Resources
Washington, DC 20510

Dear Senator Hatch:

Several members of the Concerned Citizens for Black Adoption attended the hearing on "Barriers to Adoption" on June 25, 1985 held by the Senate Committee on Labor and Human Resources which is chaired by you.

You cannot imagine the deep sense of betrayal and outrage felt by our members over the totally biased manner in which this hearing was permitted to serve as a forum for white families wishing to adopt Black infants and toddlers. Our membership is comprised of adoptive parents and child welfare professionals with over 15 years of experience in successfully providing adoption services to Black children and families. We were shocked to find that the one opportunity alloted to a representative of Black families interested in adopting Black children was received with a lack of impartiality that we did not expect in a legislative hearing.

The Senate panel grieved over the white families who were portrayed as "victims" of racist adoption policies. However, we did not hear any expression of concern for Black families who may never get an opportunity to be considered as an adoption resource for Black children because of these same adoption policies. Neither was there any concern voiced for the total disregard of the right of Black children to be adopted by a loving Black family. This right is denied to Black children by racist adoption policies which not only discourage Black families from applying to adopt Black children, but also stack the deck against them in having a child placed in their homes once they have been approved to adopt.

We do not believe that final solution for waiting Black children is placement with white families. Neither are efforts to place Black children with Black families synonomous to condemning these children to remain in foster care. What is needed is a means of facilitating inter-agency, intra-state and inter-state placement of Black children with Black families wherever they are. There are many programs which have successfully recruited Black families for these children. The failure has been in the unwillingness of white controlled agencies to make placement with Black families.

If the Senate Committee on Labor and Human Resoures is interested in hearing the other side of this issue, Concerned Citizens for Black Adoption will be glad to assist you with contacting Black adoptive families and child welfare professionals who will testify before the Committee concerning the discriminatory practices which continue to discourage the adoption of Black children by an available resource of adoptive and potential adoptive Black families.

You may contact Concerned Citizens for Black Adoption at the address and telephone number given below for this assistance.

Sincerely,

CONCERNED CITIZENS FOR BLACK ADOPTION
271 West 125th Street
Room 414
New York, NY 10027
Telephone: (212) 340-2980

CONCERNED CITIZENS FOR BLACK ADOPTION

Leora Neal, Director
New York Chapter, Association of Black Social Workers
Child Adoption Counseling and Referral Service

Shirley McCain, President
New York Affiliate
National Black Child Development Institute

Janice Shindler, Adoptive Parent, CSW

Evelyn Eggleston, MSW,CSW, Adoption Advocate

Eleanor Blakely, MSW, CSW

Edith Stroud, Adoptive Parent

Brenda Smalls, CSW

James Satterwhite, Director
Family Dynamics

Moses Gray, Chairman of the Board
Homes for Black Children, Indianapolis, Ind.

Association of Black Social Workers
Committed Parents for Black Adoption

Abdul-Rahmaan Muhammad, Adoptive Parent, Child Welfare Specialist

Patrick Hylton, President
New York State Minority Adoption Coalition

James Nemly, Adoptive Parent

Alice Nemly, Adoptive Parent

Cheryl Larrier, CSW

Gloria Scott

Cassaundra Williams, CSW

Evelyn Smith

Florence Chambers, CSW

Yvonne Hall, MSW

Ernie Simpson

Alfred Herbert, Director
Lower Eastside Family Union

Senator Hawkins. Thank you very much. The hearing is now adjourned.

[Whereupon, at 12:45 p.m., the committee was adjourned.]

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